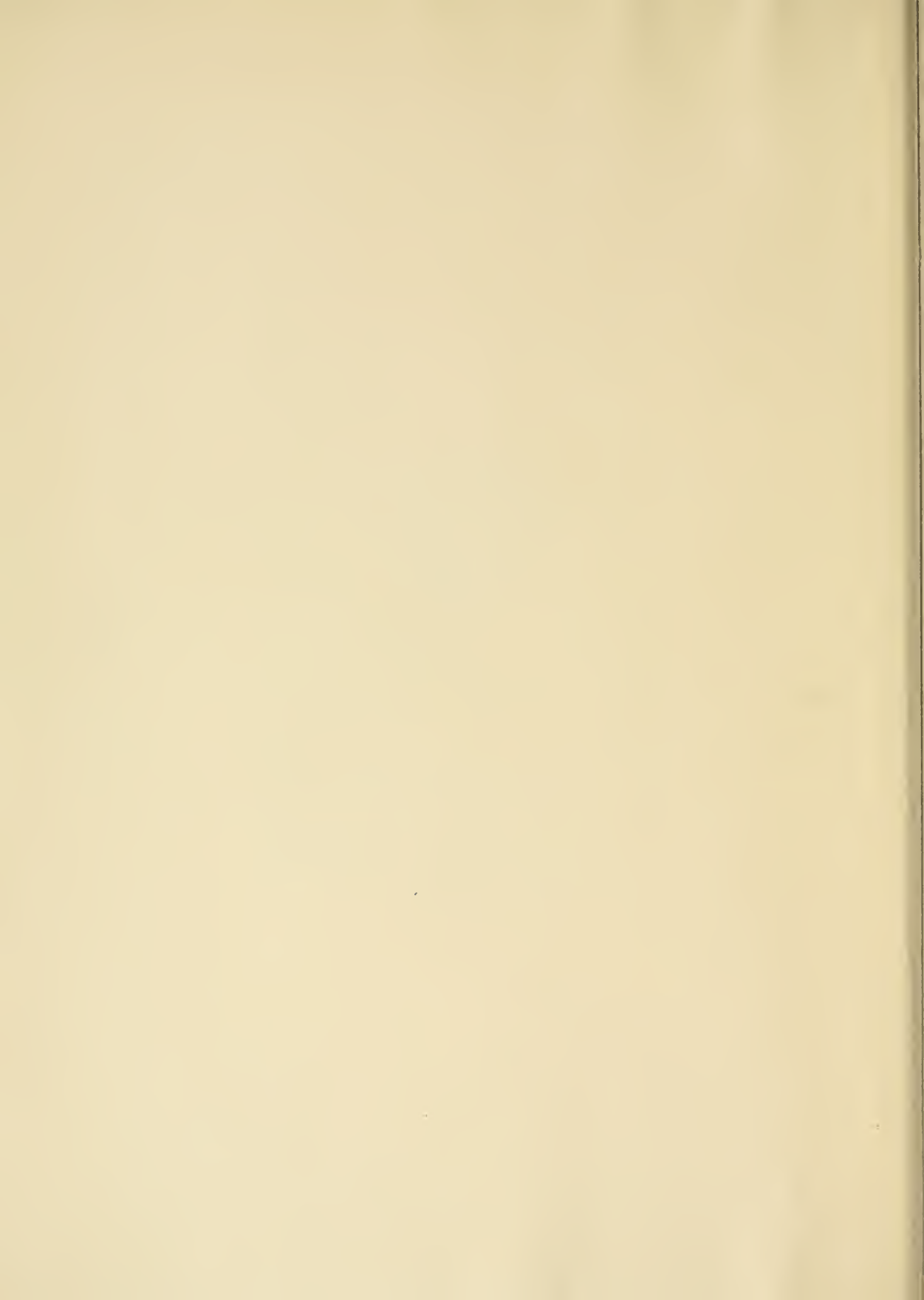






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Massachusetts Historical Society

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JOURNALS OF THE HOUSE OF REPRESENTATIVES  
OF MASSACHUSETTS

VOLUME VI

*Committee of Publication*

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ARTHUR LORD

WILLIAM BRADFORD HOMER DOWSE

WORTHINGTON CHAUNCEY FORD

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# JOURNALS

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1724-1726

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## Introduction

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THE sessions of two of the Great and General Courts of the Province of the Massachusetts-Bay — those of 1724 and 1725 — are printed in this volume, the sixth of the series. The Court of 1724 assembled May 27, 1724, was prorogued June 20, again met on November 11 and continued to sit until December 24. These two sessions constituted the life of the House of 1724. The Court of 1725 met May 26, 1725, was prorogued June 24, again assembled November 3 and remained in a session of unusual length, and with an adjournment of ten days, till prorogued January 17, 1726. A third session began April 13, 1726, and was dissolved the next day. No journal of its proceedings was printed.

The war against the eastern Indians, declared by the General Court of 1722-23, continued through the two years and naturally engaged much of the attention of the Court. Unfortunately the rule against printing votes on the war, passed November 15, 1723, remained in force and deprived the record of an historical feature of no small importance. The great attention given to bounties, aids or compensation for the injured, provision for the families of the killed, and the detail of the muster-rolls, proves how much of the time of the Court was engrossed by those necessary accompaniments to the war. Rich as the record is in names of those who served to their cost, it cannot make up for the exclusion of votes and reports on policy and special measures, most of which have been lost without leaving so much as a mention.

The war called for defensive as well as offensive operations, costly and not too successful in results. At Northfield a new block-house held a garrison of whites and Indians, and the apprehensions of the people on this frontier led to a reinforcement for the threatened towns of Northfield, Deerfield and Brownfield. At the same time a force sent eastward received instructions to penetrate the enemy's country by the Kennebec River, surprise them, if possible, hinder their planting and intercept them when fowling or fishing. The Six Nations sent aid and a proposed conference at Albany offered hope of further combined operations.<sup>1</sup> A committee on the state of the war, with broad powers, was early constituted by the House, having as special objects: "to project some Effectual Methods for the more vigorous Prosecution of the same, and report their Opinion of what is further necessary to be done for the better Security and Defense of the Eastern Frontiers, and that the several Complaints and Papers which relate to the Conduct of the Officers in those Parts be committed to them for their Information herein, the Committee to sit forthwith, and to make Report as soon as possible."<sup>2</sup> So promising an instrument of action or information left no record of its proceedings and recommendations.

<sup>1</sup> 9, 91.

<sup>2</sup> 59.

It may never have sat, for the House named a like committee at the next session, with a somewhat restricted function.<sup>1</sup>

In opening the second session of the General Court, November 11, 1724, Lieutenant Governor Dummer gloried in the success of the expeditions against the Indians in the east. A march to Norridgewock was attended with "such a Destruction of the Enemy as has not been known in any of the late Wars, and (as I hope) in the entire Dissipation of that Tribe." The expedition to Penobscot, intended to surprise the Indians, failed through an error of direction, which brought the force to the river forty miles below the fort. In his opinion the experience gained somewhat compensated for this failure. In the west success had not answered expectation and a more vigorous offense was necessary, even to marching the soldiers beyond the limits of the Province. The neighboring colonies had been asked to assist and representations had been made to the king.<sup>2</sup> In either direction time must elapse before aid or encouragement be received. Massachusetts-Bay stood practically alone in the contest, though the whole of New England was deeply concerned in the outcome.

When the General Court met in May, 1725, the Lieutenant Governor announced that some brave men had been lost, but through the favor of God more savages had been destroyed. He hoped that a vigorous prosecution of the war, perhaps for another year, would reduce the enemy to terms. He favored offering a premium to such men as would voluntarily enlist and the abandoning of impressments.<sup>3</sup> In fact the Province had suffered a severe blow at Pigwacket in the desperate stand made by Captain John Lovewell of Dunstable and his band, an event so recent in time that Dummer could hardly have been possessed of the details when he opened the session.<sup>4</sup> Both sides began to weary of the war, so costly in men and money, and so terrible in its invitation to sudden inroads by an implacable enemy. A committee "to retrench any Extraordinary Expenses" on the frontiers<sup>5</sup> led to no definite result, but indicates the growing anxiety over the burdens imposed by the campaigns.

On the whole the operations against the Indians were accomplishing their object. In November, 1725, Dummer could again speak of the greater success in bringing out hardy and brave men as volunteers and also of the terror inspired in the Indian by following him into his country.<sup>6</sup> Peace was almost a fact and became a certainty before the rising of the Court. At once measures were taken to reduce the forces in Provincial pay. Such reduction could, however, only be partially applied as the Indians on the western frontiers were not entirely pacified.<sup>7</sup>

The methods of raising soldiers had not been satisfactory, compulsory service encouraging desertion, evasion and fraud. The Council framed a proposition

<sup>1</sup> 92.      <sup>2</sup> 88, 90, 91.      <sup>3</sup> 220.

<sup>4</sup> The *Boston Gazette*, May 17, 1725, contained a fair account of the disaster and the *Boston News-Letter* of May 20 gave much the same.

<sup>5</sup> 167.      <sup>6</sup> 311.      <sup>7</sup> 411, 452.

to recruit the forces by volunteers, a sufficient reward being offered to any able bodied man not an inhabitant of a frontier town, as should voluntarily enlist for a term of two years. The House widened the question by proposing a joint committee to "project some more easy and effectual Method for raising Soldiers for the Defence of the Frontiers, and the more vigorous Prosecution of the War", but that prevented immediate action and threw the report into the next session.<sup>1</sup> Exemption from impressment into the service was sought by inlistment as a trooper, resulting in placing the principal burden on the foot companies. To correct that inequality power was given to a captain or chief officer of a foot company to impress both troopers and foot-men as required.<sup>2</sup> The troops were also reduced to one in each regiment of militia, and the centinels in each troop to the number of forty.<sup>3</sup> Captain Bourne accomplished a notable success in inlisting one hundred Indians into the King's service, "not only Able of Body but well inclined to serve his Majesty against the Indian enemy."<sup>4</sup>

An unusual provision looked to the raising of snow-shoe men in certain enumerated towns to act on an Indian alarm, and to receive the same wages and subsistence allowed to the marching forces of the Province, and "such other Rewards in case they obtain any Plunder, Scalps of the Enemy or Captives, as is by Law provided as a *Premium* or Bounty for those who go forth as Volunteers, without pay." These snow-shoe men also received a special yearly allowance for keeping their shoes and "moggasins" fit for service.<sup>5</sup> Attention may also be called to the order directing the Treasurer "to Bury the several Indian Scalps now in his Custody, in some private Place, so as not to be discovered or produced again," which suggests an over-use of scalps for gain when opportunity offered.<sup>6</sup>

The auditing of muster-rolls forms an important feature of the record and the minute examination and questioning of items prove its necessity. The number of discredited charges does not equal that in some earlier years, but it is sufficient to justify the care of the House committee expended upon the returns. Some of the rolls were clearly prepared with fraudulent intent, to secure overpayments for service not rendered or for service not properly allowed for in the general system of enlistments and wages. The abuses laid against Captain John Gyles produced a resolution of the House expressed in unmistakable terms: "*Resolved*, That any Officers Mustering or Enrolling any Person or Persons on any Muster-Roll on any pretence whatsoever sooner than by Law he or they ought to do, is a manifest Deceit, Couzenage and Imposition on this Government," and, of course, contrary to law. In consequence the Attorney General was instructed to bring suit against Captain Gyles for his "Misdemeanours, unjustifiable and unlawful Practices and Proceedings."<sup>7</sup> The Committee found no sufficient ground for a prosecution,<sup>8</sup> but the vigilance of the

<sup>1</sup> 81.<sup>2</sup> 204.<sup>3</sup> 206.<sup>4</sup> 233.<sup>5</sup> 171, 449.<sup>6</sup> 210.<sup>7</sup> 38.<sup>8</sup> 73.



House had been shown. So Captain Dewey had received more money from the Treasury than he should have, but the fault was due to his superior officer who had directed him to enter on the roll men for a longer time than they had served.<sup>1</sup>

The House jealously guarded its control over the muster-rolls and payments to the soldiers. When the Board proposed a joint committee for muster-rolls the House refused to adopt it, though the reason advanced by the Board seems proper and defensible — that such a committee “would very much Expedite the business of the Court, and save the Time the Board must otherwise have in Examining the Rolls before they pass on them for Payment.”<sup>2</sup> A second vote of the Board, adopted in the second session, expressing the expediency and necessity of a joint committee, received no more favorable welcome in the House.<sup>3</sup> The right to make an independent examination carried with it the valuable privilege of detecting and denouncing errors or alleged encroachment by the Board on the prerogatives of the House.

Special conditions offered in Hampshire, where small parties of soldiers, under the care of sergeants, were employed in the service, but without an officer who could properly certify to the service and charges.<sup>4</sup> The towns in York County, greatly exposed to the depredations of Indians, had been so heavily drawn upon for men as to be weakened and in need of assistance for defense and security. The House proposed to restrict the calls made upon those towns.<sup>5</sup>

The past wars brought reminders. For the Canada expedition of 1711 the House adopted a resolution giving to each soldier engaged the sum of fifty shillings “in Lieu of the Bounty of Her late Majesty Queen Anne,” conditioned on the return of his arms to the Province.<sup>6</sup> Apparently eighteen muster-rolls covered this expedition.<sup>7</sup>

In seeking to do away with the most fruitful source of troubles with the Indians — the invasion by settlers of Indian lands and the consequent irregular and indefensible manner of extending the frontier — the House sought to prohibit any settlement to the east of Falmouth in Casco Bay or beyond the towns on the western frontier, until the General Court should be satisfied.<sup>8</sup> A bill framed on such a line was, however, rejected on its second reading, because, it was argued, the good and wholesome intentions of the measure would not be effected by the bill.<sup>9</sup> A substitute measure met the same fate.<sup>10</sup> While there was land to be taken and settlers to occupy them the antagonism between white man and Indian would continue. The conditions laid down by the General Court for making a settlement on lands offer many points of interest when the place was on a frontier, exposed to Indian incursion,<sup>11</sup> or had been purchased from the Indians, as at Hassanamisco,<sup>12</sup> or at Pennicook or Stevens’ settlement.<sup>13</sup>

<sup>1</sup> 77.<sup>8</sup> 41c.<sup>2</sup> 45.<sup>9</sup> 427.<sup>3</sup> 125.<sup>10</sup> 450, 452.<sup>4</sup> 49, 92.<sup>11</sup> 78.<sup>5</sup> 50.<sup>12</sup> 126.<sup>6</sup> 65, 72, 152.<sup>13</sup> 284, 420, 461.<sup>7</sup> 99.

Friendly Indians presented many problems. They asked permission to sell their lands; they constituted a company in the fighting force of the Province; they committed acts which led to their imprisonment and the Province was restive under the cost of maintaining such prisoners; their services were given to any one who would support them without charge to the government.<sup>1</sup> In Nantucket the natives complained of oppression by the whites and sufficient evidence of it was submitted to warrant the appointment of a committee to procede to Nantucket and investigate.<sup>2</sup> A general law for regulating the civilized Indians in the Province and for preventing oppression or abuses received prompt attention in the House.<sup>3</sup>

The sessions had not developed serious differences between the Lieutenant Governor and the House, at all equal to the trouble which had put an end to Governor Shute's usefulness. The Board and House differed on details of policy and specific measures and the House defended its prerogative when a possible attack threatened. The popular body proved the more sensitive. The skirmishes between the two parts of the court may have proved of value in political education. The jealousy exhibited, expressed in direct terms and interpreted as offensive, produced the nearest approach to state papers the Journal can show.

The Lieutenant Governor, acting as he supposed in accordance with the wishes of the Court appointed a councillor and a member of the House to go to the Eastern frontier on public business. He communicated the names to the Board, which accepted them, and to the House, making "no doubt but it will be agreeable to them also." He was quickly undeceived. After debate the question was put in the House, "Whether the Advice of this court has been had in Appointing and sending down Two Gentlemen to the Eastward, which His Honour has Nominated for that Service?" It passed in the negative by a "very great Majority." The same day the difference was healed by the Board's desiring the Lieutenant Governor to appoint the two gentlemen and the House concurred without further trouble.<sup>4</sup>

The Lieutenant Governor and Council had, during the recess, passed warrants for paying several companies of volunteers. When the House examined the muster-rolls of those companies errors were discovered and a vigorous resolution adopted remonstrating to the Board the errors as "grievous," in order that such misapplications of the public money should be prevented for the future.<sup>5</sup> It was a reappearance of the dispute raised two years before. The Board proposed that the remonstrance be not printed until an answer could be prepared, but the House merely read the proposal and printed their remonstrance in due course.<sup>6</sup> Almost a full month passed before the Council had prepared its statement in which it again remonstrated against the publication, as it had "a direct tendency to bring the Council into Disrepute, and to produce an uncomfortable

<sup>1</sup> 207, 287.<sup>2</sup> 280, 345.<sup>3</sup> 418.<sup>4</sup> 309.<sup>5</sup> 334.<sup>6</sup> 346.

Alienation and Distance between the Board and the Honourable House, Which the Board judge ought by all Means to be Avoided."<sup>1</sup> The Board appeared to hold the better position; yet by the control of the purse the House exercised a power not to be gained from any other source.

The control of the House in matters of taxation and revenue also constituted a cherished prerogative, to be ardently defended against any attempt to lessen or even to share it. The Board in December, 1724, asked the House if it would come into a conference on the "Drawing in the Money in the Resolve for Emitting Thirty Thousand Pounds in Bills of Credit," the time required being in question. The House did not confine itself to refusing the proposed conference but laid down its conception of its right in no mistakable language: "We have never as yet Conferred with the Council in Matters of Money, either as to the Quantum or Time of repaying the same into the Treasury; and never was as we know of, desired by the Council but once, which was denied by the House, as being their undoubted Right and Privilege to grant and appropriate the Sum or Sums they do from time to time Raise, and set the time for the Payment or Drawing in the same; and therefore on this Head the House cannot come into a Conference as desired."<sup>2</sup>

So long as bills of credit, issued on the credit of the Province, formed the chief reliance for meeting expenditures, depreciation would occur and introduce the usual long train of economic disturbances. A joint committee, composed of leading members, to sit "once every week at least in the Recess of the Court until their Report be perfected,"<sup>3</sup> took up the difficult problem, made the more difficult by continuing issues of bills and the presence of counterfeits. That committee presented its report November 17, 1724. Recognizing that only by lessening the number of bills in circulation could a remedy for depreciation be found, the committee proposed to hasten their redemption, to raise by taxes enough to meet the year's charges, and to borrow £20,000 in Province bills of credit at eight per cent. Though not connected with its subject or appointment the committee proposed bounties on hemp, canvas and winter wheat.<sup>4</sup> In Committee of the Whole House the report was not accepted but another resolution was agreed to, which is not entered upon the Journal.<sup>5</sup> Within a few days the House called for a new issue of bills of credit.<sup>6</sup>

A member of the Council, Thomas Hutchinson, had prepared a plan of his own for "Retrieving the Value of the Bills of Credit," and the House called for it.<sup>7</sup> In the many publications issued on the currency question in Massachusetts this plan does not appear. It may have served as the basis of the four pages printed by Hutchinson in 1734. The Journal of 1724 speaks of the "Scheme or Projection" of Mr. Hutchinson, and a copy of the 1734 publication bears the

<sup>1</sup> 438.<sup>2</sup> 163. Sewall, *Diary*, 111. 345. See also *Acts and Resolves*, 11. 343.<sup>3</sup> 68.<sup>4</sup> 98.<sup>5</sup> 102.<sup>6</sup> 121, and again, 184.<sup>7</sup> 134.



endorsement "Hutchinson Scheme,"<sup>1</sup> but at the time the House gave no sign of having done more than given it an examination.

Not unrelated to the bills of credit were the operations under the £100,000 loan, distributed among the counties and managed by commissioners. The returns were not wholly satisfactory and, like other financial expedients of the kind, did not work as smoothly as had been anticipated. With a view of improving the situation a committee was appointed "to oblige the Commissioners of the £. 100,000 Loan, to observe and comply with their Duty."<sup>2</sup> The trouble was more deep-seated than the Commissioners and such application of public loans gave rise to dangers founded on favoritism in distribution and over-expansion of credit on not easily realized security. In some cases borrowers applied to the General Court to be released from their obligations, voluntarily incurred.

The ministers suffered greatly by the depreciation of the bills of credit and their situation called loudly for relief. A joint committee, appointed in December, 1724, reported but the Board came to the conclusion that the recommendations in the report would not attain the desired ends. As a substitute the Board proposed earnestly to recommend to the congregations and religious assemblies in the Province to make good to the ministers the difference between silver and bills of credit and to allow for the increased cost of living. The House also rejected the report of the committee and concurred in the proposals of the Board.<sup>3</sup> To solve so complicated a question by appealing to the voluntary action of interested communities did not promise an adequate, much less a uniform remedy.

Legislative bodies of that day did not invite publicity on their proceedings and some unknown incident occurred that awakened the apprehension of the House. It ordered a vote "the better to support the Honour and Dignity of the House; and to prevent the disclosing or discovering Abroad of any Debate that may arise and happen in the House."<sup>4</sup> The committee acted promptly and reported the following: "*Resolved*, That if any Member of this House shall Disclose, Divulge, or make Publick the Debates or Secrets of the House, which tends very much to the Obstruction of that Freedom and Liberty of Speech so necessary for the Good and Welfare of the Province, he shall be lyable to such Censure as the House shall think proper."<sup>5</sup> No immediate action under this order appears to have been exercised. A case in point occurred towards the end of the 1725 session when the Board reported that a member of the House had clandestinely obtained from the clerk of the Secretary of the Board a letter from the Lords Justices in England to the Lieutenant Governor upon very important matters, with a design to put the same in print, "in Affront to the King's Majesty, the Dishonour of this Government, and tending to the Dis-

<sup>1</sup> *Collections*, LXXV. 645.

<sup>2</sup> 131.

<sup>3</sup> 261.

<sup>4</sup> 135.

<sup>5</sup> 137.

turbance of His Majesty's Subjects of this Province." The House gave serious consideration to the message and obtaining no satisfaction from the member, Gershom Woodell, placed him in charge of a messenger of the House to be safely kept until further order.<sup>1</sup> A rather remarkable situation developed. Stephen Greenleaf was the clerk in question and he had received money from Woodell every session of the Court, for looking over the files and papers in the Secretary's office. Among other matters Woodell, denied by the Secretary a copy of the address of the ministers for a Synod, had obtained it through Greenleaf and given it to John Checkley, a somewhat notorious disputant not in good standing with the orthodox. The sentence passed upon Woodell was, that he should be sharply reprimanded by the Speaker, should confess his fault to the Lieutenant Governor, obtain his forgiveness and the pardon of the House, and promise better behavior for the future.<sup>2</sup> Woodell remained obstinate and in wilful contempt of the House and there remained nothing to do but to expel him which was done.<sup>3</sup> The House went further and expressed its desire that Greenleaf be discharged from Secretary Willard's service, though an officer of the Board. Secretary Willard agreed to gratify the House. A few days later Checkley fell under the displeasure of the House by preparing a petition for an Indian which was regarded as an imposition on that body.<sup>4</sup>

Governor Shute's memorial on some proceeding of the House of Representatives continued in uncertainty,<sup>5</sup> but in 1725 the report of the King's Attorney and Solicitor General on the Governor's first memorial became known through Agent Cooke.<sup>6</sup> The agent returned to New England, somewhat unexpectedly, and brought with him a paper of unmeasured possibilities to Massachusetts-Bay, based upon Shute's representation. On December 14, 1725, the Lieutenant Governor delivered to the House an "explanatory charter" received from England, which laid down the rule that the Governor of the Province had the power to veto the choice of the House of Speaker. The Board and House in conference, January 6, 1726, for several hours considered the paper, and on the 14th the House long debated it, finally taking a vote upon accepting or rejecting it, the first instance of the recording the ayes and noes in these Journals. As the majority was in favor of accepting it the House so resolved.<sup>7</sup> The arrangement of names in this voting-list shows that they were called by counties and towns as printed in the list of members on the first day of the session. This acquiescence and moderation rendered unnecessary more radical action in England.

The ministers, assembled in Convention in May, 1725, prepared a memorial to the General Court, asking that a general Synod of the churches might be called to consider: "What are the Miscarriages whereof we have reason to think the Judgments of Heaven upon us call us to be more generally Sensible,

<sup>1</sup> 447.<sup>2</sup> 450.<sup>3</sup> 453.<sup>4</sup> 463.<sup>5</sup> 8, 58.<sup>6</sup> 221.<sup>7</sup> 412, 454, 457, 460.



and what may be the most Evangelical and Effectual Expedients to put a Stop unto those or the like Miscarriages?" There had been no Synod for forty-five years and "the Great and Visible decay of Piety in the Country, and the growth of many Miscarriages which we may fear have provoked the Glorious Lord in a Series of various Judgments wonderfully to distress us," afforded reasons for following the example of the earlier ministers to recover lost ground. The Board approved but the House, after a very long debate, postponed the subject to the next session. Indeed a counter-memorial was prepared by dissenting ministers.<sup>1</sup> In furtherance of the plan the platform and results of the several Synods were to be printed in a small volume, and in number sufficient for the towns and churches in the Province.<sup>2</sup> The counter-memorial, prepared by Dr. Timothy Cutler and Samuel Myles, was dismissed by the Court as containing "an indecent Reflection on the Proceedings of this Board, with several groundless Insinuations."<sup>3</sup> Some political aspect of the proposed Synod may have influenced the protestants, as well as the fact that such a church gathering could consistently only have acted for the benefit of its own congregations and forms of church government.<sup>4</sup>

The House showed its tenderness for Harvard College which had suffered by the death of its president, John Leverett. As the mansion house and land owned by Mr. Leverett lay contiguous to the College lands the Corporation of the College desired the General Court to purchase them, "to be the Seat and Habitation of the Presidents of *Harvard-Colledge* in times to come."<sup>5</sup> The House moved cautiously and proposed a joint committee to enquire into the state of the College treasury, how the income and profits were appropriated, how the rents of the "new Colledge", Massachusetts Hall, had been disposed of, and what were the "necessary" charges of the Colleges. So wide an enquiry postponed action to the next session of the Court.<sup>6</sup>

The Corporation, with the approval of the Overseers, had chosen the Rev. Benjamin Colman, pastor since 1699 of the Brattle Street Church in Boston, to be President of Harvard College. The General Court, being asked to allow him an "honourable Allowance", raised a question, that his church might not be willing to part with him or Mr. Colman to leave his Church, and desired certainty on those points.<sup>7</sup> The Overseers submitted the answer of Mr. Colman on December 17, with a request that the Court act on the President's salary.<sup>8</sup> The House refused to establish a salary for the President of Harvard College for the time being, "before the Person Chosen to that Office has Accepted the Duty and Trust thereof."<sup>9</sup> Dr. Colman declined the appointment and Rev. Benjamin Wadsworth was chosen, who had been released by his church and had accepted the position. For him the Honoured and Reverend

<sup>1</sup> 257. <sup>2</sup> 289. See Evans, *American Bibliography*, I. No. 2661. <sup>3</sup> 303.

<sup>4</sup> The memorial of the ministers appeared in the *New England Courant*, July 3, 1725, and that of Cutler and Myles July 10, 1725. The *Boston News-Letter* printed only the memorial of the ministers.

<sup>5</sup> 56. <sup>6</sup> 81. <sup>7</sup> 151. <sup>8</sup> 196. <sup>9</sup> 198.

the Board of Overseers of the College asked "such a Salary and Allowance for the Support and Maintenance" of the President in his high and important office.<sup>1</sup> Again did the House propose to look into the College finances, but would seek a suitable house and would advance one hundred and fifty pounds to enable the President to enter upon his "great Affair."<sup>2</sup> To expedite Dr. Wadsworth's removal to Cambridge the committee was authorized to hire a house for a short term.<sup>3</sup> The committee reported in the middle of December and the House proposed to allow one thousand pounds to build a "Handsome Wooden Dwelling House" on land adjacent and belonging to the College. The income of Massachusetts Hall was given to Dr. Wadsworth during his term of service and this, with other undisposed of revenues of the College would, in their opinion, afford him an honorable maintenance and support.<sup>4</sup> So indefinite an allowance required explanation or definition, which the Board asked the House to give.<sup>5</sup> In great detail the House stated what it intended the President of the College should receive, profuse in asserting its wish for the prosperity of that "Society," and its flourishing under the Divine influence.<sup>6</sup>

The encouragement of domestic manufactures is shown by the premium claimed for linen cloth made in Marshfield.<sup>7</sup> The opposite policy appeared in a proposal to lay a duty on rum distilled in the Province. What member of the House proposed the step cannot be learned, but he was seconded "by many members," as well for fiscal as for commercial reasons. A bill placed the duty at three pence the gallon and applied it to other spirits as well as rum.<sup>8</sup> As the distilling of rum was an important interest in Boston and Charlestown, certain merchants, distillers and other inhabitants of the two places asked to be heard in opposition.<sup>9</sup> Immediately after the hearing the bill received its third reading but on a question of being "passed to be engrossed," it was thrown out.<sup>10</sup>

In June, 1725, a scarcity of corn for bread made itself felt and the Board, on the suggestion of the Select-men of Boston, resorted to the unusual and somewhat extreme measure of ordering two ships lading with corn to be unloaded, and laying a general embargo on exports of bread or bread corn without permission of the Governor and Council. The House refused to agree and thereby proved its wisdom in refusing to interfere with trade for a temporary and probably exaggerated fear of a locality.<sup>11</sup>

Again did the House provide for a "new Impression of the Laws now in Force," on the ground that no copies of the old issue could be had for the guidance of new towns as they came into being. The proposition called for more careful provision and after a long delay, in December, the House named its share of a joint commission to revise all the laws in force and to contract with some stationer for printing and handsomely binding a number, a report to be presented in the current session.<sup>12</sup> Plymouth also desired a new impression of

<sup>1</sup> 283.<sup>2</sup> 286.<sup>3</sup> 302.<sup>4</sup> 417.<sup>5</sup> 436.<sup>6</sup> 444.<sup>7</sup> 179.<sup>8</sup> 261.<sup>9</sup> 295.<sup>10</sup> 301.<sup>11</sup> 227, 228.<sup>12</sup> 230, 413, 419.

its laws.<sup>1</sup> The resolution of December 22 appears to have come originally from the Board, naming its members of the commission, but it goes further and regulates the distribution and sale of the volume when printed.<sup>2</sup> An index of the laws, provided for in 1721, and completed in 1725 did not hold out promise of a speedy preparation of the laws themselves for the press.<sup>3</sup>

In arranging for the printing of the Journals in 1725 the number of copies printed and distributed was to give one to each member and another for the town he represented. The representatives of Boston were to "inspect and Correct the Press,"<sup>4</sup> but the real labor fell upon John Wainwright, clerk of the House, who received a special allowance for preparing the votes for the press. The number of errors is still large but the general result points to a better supervision of the press.

In 1724 Rev. Joseph Sewall's election sermon, on "Rulers must be Just, ruling in the Fear of God," was printed by Bartholomew Green for Samuel Gerrish in an edition of four hundred copies, at a cost of nearly seventeen pounds.<sup>5</sup> The dinner on election, given to the Lieutenant Governor, the Council and one hundred gentlemen and others, cost thirty-four pounds. In 1725 the printing of Rev. Ebenezer Thayer's election sermon, on "Jerusalem Instructed and Warned," from the same press and bookseller, cost thirteen pounds and fifteen shillings.<sup>6</sup> The attendance at the dinner showed an increase of twenty five, but the bill for the feast called only for thirty-one pounds and five shillings.<sup>7</sup>

WORTHINGTON CHAUNCEY FORD

Boston, *December 20, 1924.*

<sup>1</sup> 429.

<sup>2</sup> 430.

<sup>3</sup> 434.

<sup>4</sup> 222.

<sup>5</sup> 81.

<sup>6</sup> 259.

<sup>7</sup> 274.



# JOURNAL

Of the Honourable House of  
Representatives

Of His Majesty's Province of the  
*Massachusetts-Bay*

IN

## *NEW-ENGLAND*

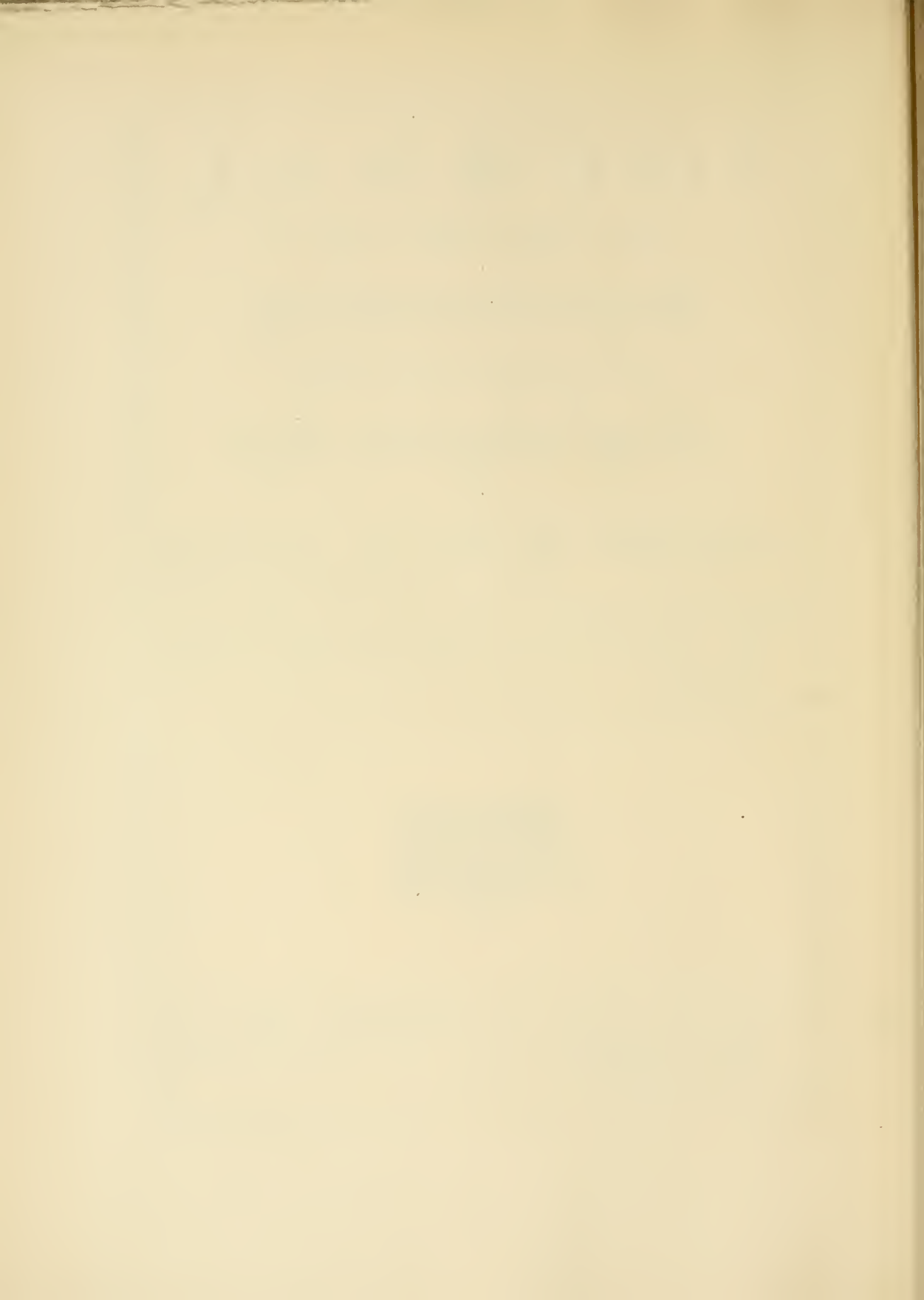
Begun and Held at BOSTON, on *Wednesday*  
the Twenty-Seventh Day of *May*, Anno  
Domini, 1724.

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of Representatives. 1724.





A  
JOURNAL

Of the Honourable House of  
Representatives.

At a Great and General Court or Assembly of His Majesty's Province of the ~~Massachusetts-Bay~~ in ~~New-England~~, Begun and Held at ~~Boston~~, upon Wednesday the Twenty-Seventh Day of ~~May~~, being the last Wednesday of the said Month. Annoq; Domini, 1724.

THE Honourable *John Cushing*, *Samuel Thaxter*, and *Spencer Phipps* Esqrs; came down from the Council Board and acquainted the House, that they were appointed & impowered by *Dedimus* from His Honour the Lieutenant Governour to administer the Oaths to the Members of the House respectively, and that they were accordingly directed to Take and Subscribe the Declaration, Take and Subscribe the Oath of Abjuration (as by the ROYAL CHARTER of this Province is directed) before them; which was done by all the Members Present, and then they withdrew.

*Voted*, That Mr. Secretary be directed to send the Writs and Precepts for the Choice of Representatives into the House: Which were brought in by *John Quincy* Esq;

The said Precepts being Read, it appeared, that the following Persons were returned to Serve for and Represent the several Towns within the Province, as by the following List, viz.

*Of the County of Suffolk.*

*Boston* { The Hon. John Clark Esq;  
Mr. Isaiah Tay  
Mr. Ezekiel Lewis  
Mr. Thomas Cushing  
*Roxbury* { The Hon. Wm. DUDLEY,  
(Esq; Speaker.  
*Dorchester*, Col. Robt. Spurr  
*Milton*, Mr. Ephraim Tucker  
*Brantrey*, John Quincy Esq;  
*Weymouth*, Mr. John Torrey  
*Hingham*, Capt. Thomas Loring  
*Dedham*, Mr. Thomas Fuller  
*Medfield*, Mr. Henry Adams  
*Mendon*, Mr. Daniel Taft  
*Wrentham*, Mr. Jonathan Ware  
*Brookline*, Mr. Edward White

*Woodstock*, John Chandler Esq;  
*Needham*, \_\_\_\_\_  
*Bellingham*, \_\_\_\_\_  
*Oxford*, \_\_\_\_\_  
*Hull*, \_\_\_\_\_  
*Sutton*, \_\_\_\_\_  
*Medway*, \_\_\_\_\_

*Of the County of Essex.*

*Salem*, { Capt. Daniel Epes  
Mr. Ichabod Plaisted  
*Ipswich* { John Wainwright Esq;  
Mr. Thomas Choate  
*Newbury*, Richard Kent Esq;  
*Lynn*, Mr. Richard Johnson  
*Marblehead*, Mr. John Oulton  
*Haverhill*, Mr. John Sanders

*Rowley*, Capt. Samuel Pickard  
*Salisbury*, Capt. Joseph Eaton  
*Andover*, Mr. James Bridges  
*Topsfield*, Mr. John Hovey  
*Boxford*, Mr. Joseph Hale  
*Bradford*, Mr. Samuel Tenney  
*Beverly*, Mr. Jonath. Rayment  
*Wenham*, Mr. John Porter [4]  
*Glocester*, Mr. James Sayward  
*Almsbury*, Mr. Thomas Hoite  
*Manchester*, \_\_\_\_\_

*Of the County of Middlesex.*

*Cambridge*, Jonath. Remington Esq;  
*Charl-* { Charles Chambers Esq;  
*stown*, { Henry Phillips Esq;  
*Watertown*, Jonas Bond Esq;

Concord, Mr. Benj. Whittemore  
 Newton, Mr. Ebenezer Stone  
 Sudbury, Mr. Peter Haynes  
 Marlborough, Mr. Caleb Rice  
 Sherbourne, Capt. Samuel Bullard  
 Lancaster, John Houghton Esq;  
 Groton, Mr. Benjamin Prescott  
 Framingham, Capt. Edw. Goddard  
 Chelmsford, Mr. Stephen Pierce  
 Billerica, Mr. George Browne  
 Wobourne, Mr. Daniel Pierce  
 Reading, William Bryant Esq;  
 Malden, Mr. Jonathan Sargent  
 Lexington, Capt. Joseph Estabrooke  
 Weston, Francis Fullam Esq;  
 Stow, Mr. Nathaniel Hapgood  
 Leicester, Mr. Thomas Newhall  
 Dracut, Capt. Ephraim Hildreth  
 Dunstable, Eleazer Tyng Esq;  
 Westborough, \_\_\_\_\_  
 Worcester, \_\_\_\_\_  
 Medford, \_\_\_\_\_  
 Littleton, \_\_\_\_\_  
 Shrewsbury, \_\_\_\_\_  
 Rutland, \_\_\_\_\_

*Of the County of Hampshire.*

Springfield, Mr. Wm. Pyncheon  
 Northampton, Joseph Parsons Esq;  
 Hadley, Mr. John Nash  
 Westfield, Capt. John Ashley

Hatfield, Mr. John Dickinson  
 Suffield, Mr. John Kent  
 Enfield, Capt. Samuel Terrey  
 Deerfield, Capt. Thomas Wells  
 Sunderland, \_\_\_\_\_  
 Northfield, \_\_\_\_\_  
 Brookfield, Mr. Thomas Barnes  
 Brimfield, \_\_\_\_\_

*Of the County of Plymouth.*

Plymouth, Mr. John Foster  
 Scituate, Mr. James Cushing  
 Marshfield, Mr. John Kent  
 Duxbury, Mr. Thomas Fish  
 Bridgewater, Mr. Rich. Davenport  
 Middleborou. Mr Nath. Southworth  
 Rochester, Mr. Joseph Benson  
 Plympton, Mr. Samuel Sturtevant  
 Pembroke, Mr. Jos. Stockbridge

*Of the County of Barnstable.*

Barnstable, Shubael Gorham, Esq;  
 Sandwich, Melatiah Bourn Esq;  
 Eastham, Mr. John Paine  
 Harwich, Mr. Chillingsworth Foster  
 Yarmouth, Capt. Ebenezer Haws  
 Truro, \_\_\_\_\_  
 Chatham, \_\_\_\_\_  
 Falmouth, \_\_\_\_\_

*Of the County of Bristol.*

Bristol, Nathaniel Paine Esq;  
 Taunton, Seth Williams Esq;  
 Swansey, Capt. John Browne  
 Rehoboth, Mr. Francis Wilson  
 Little Compton, Mr. John Church  
 Dighton, Mr. Edward Shove  
 Tiverton, Mr. Gershom Woodel  
 Attleboroug. Mr. Nath. Carpenter  
 Norton, Mr. Samuel Hodges  
 Dartmouth, Mr. William White  
 Freetown, Mr. John Reed  
 Barrington, \_\_\_\_\_

*Of the County of Dukes County.*

Edgartown, Mr. John Norton  
 Chilmark, \_\_\_\_\_  
 Tisbury, \_\_\_\_\_

*Of the County of York.*

York, Capt. Peter Nowell  
 Kittery, Capt. William Pepperell  
 Berwick, Mr. Joseph Chadbourne  
 Wells, Joseph Hill Esq.  
 Arundell, Mr. Jabez Dorman  
 Biddeford, \_\_\_\_\_  
 Falmouth, \_\_\_\_\_

*Nantucket County.*

Sherburne, George Bunker Esq;

The House proceeded to bring in their Votes for a *Speaker*, which being examined, it appeared, That the Honourable WILLIAM DUDLEY Esq; was chosen Speaker of the House, by a Major Part of the Votes, and was accordingly conducted to the Chair.

Then the House proceeded to the Choice of a *Clerk* by written Votes, and upon collecting the same, it appeared that John Wainwright Esq; was unanimously chosen, & the Oath proper to said Office was administred to him by John Chandler Esq;

*Ordered*, That John Chandler Esq; Capt. Daniel Epes, & Francis Fullam Esq; go up with a Message to His Honour the Lieutenant Governour and the Honourable Board, to acquaint them that the House have made Choice of the Honourable WILLIAM DUDLEY Esq; for their Speaker, and that he is now sitting in the Chair.

The Orders of the House last Year were Read and Voted to be the Orders of this present House, excepting only the sixth Article in said Orders.

*Ordered*, That Mr. Stephen Pierce, Mr. Benjamin Whittemore, Mr. John Sanders, and Mr. James Sayward, be the Monitors of the House, that they take Care the Orders thereof are duly observed.



*Post Meridiem.*

*Ordered*, That *John Chandler Esq*; *Capt. Epes*, & *Jonas Bond Esq*; go up with a Message to the Honourable Board to inform them that the House is ready to go upon the Choice of Councillors, pursuant to the ROYAL CHARTER, who returned they had delivered the Message.

A Message from the Board by *Samuel Partrigg & Jonathan Belcher Esqrs.* That the Board are ready to go upon the Choice of Councillors, and have prepared their Votes for Eighteen Councillors for the late Colony of the *Massachusetts-Bay*.

*Ordered*, That no Member withdraw till the several Elections of Councillors are made, on pain of incurring the Displeasure of the House.

*Ordered*, That *Mr. Ezekiel Lewis, John Chandler, Melatiah Bourn, Jonas Bond, and John Quincy Esqrs.* be a Committee to carry up the Votes of the House for Councillors, and assist in Sorting and Counting them, together with the Votes of the Honourable Board, and report to the House the several Elections that shall be made. [ 5 ]

The said Committee carried up the Votes for Eighteen Councillors that are Inhabitants or Proprietors of the Territory formerly called the Colony of the *Massachusetts Bay*, and reported that Eighteen were Chosen by a major part of the Votes, *Viz.*

## The Honourable

<i>William Tailor Esq</i> ;	<i>Samuel Sewall Esq</i> ;
<i>Penn Townsend Esq</i> ;	<i>Nathaniel Byfield Esq</i> ;
<i>Edward Bromfield Esq</i> ;	<i>Benjamin Lynde Esq</i> ;
<i>Addington Davenport Esq</i> ;	<i>Samuel Browne Esq</i> ;
<i>Thomas Fitch Esq</i> ;	<i>Edmund Quincy Esq</i> ;
<i>Adam Winthrop Esq</i> ;	<i>Elisha Cooke Esq</i> ;
<i>Jonathan Dowse Esq</i> ;	<i>Paul Dudley Esq</i> ;
<i>John Turner Esq</i> ;	<i>Daniel Oliver Esq</i> ;
<i>Symonds Epes Esq</i> ;	<i>Thomas Palmer Esq</i> ;

The said Committee carried up the Votes for Four Councillors that are Inhabitants or Proprietors of Lands within the Territory formerly called the Colony of *New Plymouth*, and reported that Four were Chosen by a major part of the Votes, *viz.*

<i>Isaac Winslow Esq</i> ;	<i>John Cushing Esq</i> ;
<i>John Otis Esq</i> ;	<i>Melatiah Bourn Esq</i> ;

The said Committee carried up the Votes for Three Councillors that are Proprietors of Lands within the Territory formerly called the Province of *Maine*, and reported that Three were chosen by a major Part of the Votes, *viz.*

*John Wheelwright Esq*;    *Charles Frost Esq*;    *Joseph Hammond Esq*;

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The said Committee carried up the Votes for One Councillor that is an Inhabitant or Proprietor of Lands lying within the Territory between *Sagadahoc* and *Nova-Scotia*, and reported that One was Chosen by a major part of the Votes, *viz.*

*Samuel Thaxter Esq;*

The said Committee carried up the Votes for Two Councillors that are Inhabitants or Proprietors of Lands within any Part of the Province, and reported that Two were Chosen by a major part of the Votes, *viz.*

*John Clark Esq;*

*John Stoddard Esq;*

Then the House Adjourned till to Morrow Morrow Ten a Clock.

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**Jobis Die 28. Maij A. D. 1724.**

**M**R. Secretary brought down the List of Councillors chosen Yesterday by both Houses.

*Ordered,* That a Journal of this House during the Session and Sessions of the Court be Printed, One for each Member of the House, and another for the Town he represents. The Votes that affect the War to be left out of the Journal.

*Voted,* That *Jonathan Remington, Charles Chambers* and *Richard Kent Esqrs.* and Mr. *John Oulton* wait on His Honour the Lieutenant Governour with the List of Councillors or Assistants newly chosen for the Year ensuing, for His Honour's Approbation of the Persons therein named, to be given in writing under His Hand.

The House proceeded to examine the Return on Precepts for the Choice of Representatives, and consider the Excuses of the several Towns that had not sent their Representatives according to Law, The Towns following were excused, *viz. Oxford, Hull, Needham, Sutton, Medway, Bellingham, Manchester, Medford, Worcester, Shrewsbury, Littleton, Westborough, Northfield, Sunderland, Brimfield, Chatham, Falmouth* in the County of *Barnstable, Truro, Barrington, Biddeford, Chilmark* and *Tisbury*.

*Voted,* That the Representatives of the Town of *Boston*, be desired to Inspect and Correct the Press in taking off the Journal of the House.

### **Post Meridiem.**

A Complaint of *John Jones, John White*, and 13 others, in behalf of themselves and sundry others, Principal Freeholders and Inhabitants of the Town of *Mendon*, setting forth their Objections against the Legality of the Choice of Mr. *Daniel [ 6 ] Taft*, who is returned Representative of the said Town, Read and *Ordered,* That the Select Men of the Town of *Mendon*, be served with a Copy of this Complaint, by the Complainants, that they be heard before this House on

Tuesday the Ninth Day of *June* next, and that the said Select Men then make Answer to the Objections alledged in the Complaint. The Charge to be born by the Complainants if they fail in making out their Objections to the Legality of the Choice.

An Accompt Signed *John Dyer*, County Treasurer for the County of *Plymouth* for the Year 1723. was presented for Allowance. Read and Allowed.

Sent up for Concurrence.

Mr. Secretary *Willard* brought down the List of Councillors lately Chosen for this Province for the present Year, Sign'd by His Honour the Lieutenant Governour in these Words, *viz.* I Consent to all the Councillors herein named who are in the Province. Wm. DUMMER.

*Voted*, That *John Chandler* Esq; Mr. *Thomas Cushing*, *Jonathan Remington*, *Francis Fullam*, and *Nathaniel Paine* Esqrs. be a Committee for Petitions.

*Voted*, That Mr. *Lewis*, *John Quincy* and *Charles Chambers* Esqrs. Mr. *John Oulton* and *Joseph Hill* Esq; be a Committee for Muster-Rolls.

A Message from His Honour the Lieutenant Governour by *John Otis* and *Thomas Fitch* Esqrs. that His Honour desires that the Honourable *John Clark* and *Melatihah Bourn* Esqrs. two of the Members of this House, lately elected Councillors may be sent up to the Board in Order to take their Places there.

*Ordered*, That Mr. *Remington*, Mr. *Lewis*, Mr. *Fullam* and Col. *Tyng* go up with and introduce, the Honourable *John Clark* and *Melatihah Bourn* Esqrs. to the Board, Pursuant to His Honours Message.

*This being the Happy Anniversary of His Majesty's Birth Day, and the Great and General Court of this Province being now Convened,*

*Voted*, That it is the unanimous Desire of this House that the Court may celebrate the Day by shewing their Loyalty and Duty to His Majesty and the Royal Family, therefore desire a proper Place may be appointed for the Court to express themselves on this joyful Occasion.

Sent up for Concurrence by Col. *Paine*, Mr. *Choate*, and Capt. *Epes*.

A Message from the Board by *Penn Townsend* Esq; That that they had concurr'd the Vote respecting the Celebration of His Majesty's Birth-Day, &c. and were of Opinion, that the two Houses was a Convenient Place for the Court to express their Duty and Loyalty to His Majesty and the Royal Family, on the happy Occasion thereof.

Then the House Adjourned 'till to Morrow Morning Ten a Clock.

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Veneris Die 29. Maij, A. D. 1724.

**O***rdered*, That a Precept be issued out under the Hand & Seal of Mr. *Speaker*, directed to the Select-Men of the Town of *Boston*, to assemble that Town in order to choose a Representative for them in the Room of the Honourable *John Clark* Esq; who has lately been elected a Councillor of this

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Province, and that the said Select-Men make return thereof to this House at or before Monday the Eighth Day of *June* next.

*Ordered*, That a Precept be issued out under the Hand & Seal of Mr. *Speaker*, directed to the Select-Men of the Town of *Sandwich*, to assemble that Town in order to choose a Representative for them in the Room of the Honourable *Melatih Bourn* Esq; who has lately been elected a Councillor of this Province, and that the said Select-Men make return thereof at or before Thursday the 11th Day of *June* next.

An Accompt of Dr. *Thomas Hastings* for Medicines, Attendance, Nursing, &c. on sundry Soldiers in His Majesty's Service in the County of *Hampshire*, amounting to *l.28 2s. 2d.* Read and Committed to the Committee for Petitions.

A Petition of *Edward Winslow* Esq; praying for some Allowance for impressing Sailors, &c. for His Majesty's Ships of War. As entred the 23d of *April* past.

Read and Committed to the Committee for Petitions. [ 7 ]

The Honourable *John Clark* Esq; was admitted into the House and delivered Two Packets or Letters directed to him as Speaker of the House, from Messieurs *Cooke* and *Sanderson* Agents for the House at the Court of *Great Britain*, dated *February* 22d & 26th, *March* 11th, & 23d. 1723, 4. inclosing a Duplicate of a Copy of a Memorial to His Majesty, sign'd by *Richard Partridge*, in behalf of some of the People in this Province, called *Quakers*, against some Proceedings of this Court. Also a second Memorial of Governour *Shute* addressed to the Right Honourable the Lord *Carteret*, His Majesty's Principal Secretary of State, complaining of several of the Proceedings of this House as well as the whole Court, with sundry other Papers respecting the said Memorial.

Read and sent up.

*Voted*, That Mr. *Lewis*, Mr. *Parsons*, Capt. *Epes*, Mr. *Thomas Cushing*, & Col. *Chandler* be a Committee to prepare a proper Form of a Resolve for Supply of the Treasury.

*Voted*, That Mr. *Remington*, Mr. *Shove*, and Major *Fullam*, be desired to wait on *Jonathan Belcher* Esq; or any other Person or Persons, they may be informed have any or all the Muster-Rolls of the Forces on the late Expedition on the late *Canada* Expedition Anno 1711. which this Court have Voted are entitled to the Bounty of Her late Majesty Queen *ANNE*, and in Lieu thereof that each Soldier receive *Fifty Shillings* out of the publick Treasury, and to desire that he or they would lay the same before the House, that to a List of said Soldiers may be taken in order for said Bounties being paid pursuant to the Resolve of the Court.

An Accompt of *Joseph Marion* for writing for this Court as entred the 23d of *April* past, and referred to this Session.

Read and Committed to the Committee for Petitions.



A Petition of *William Hamilton of Brimfield*, praying as entred the 20th of December past, and referred to this Session. Read. And the Question was put, *Whether the Prayer of the Petition should be granted?*

It pass'd in the Negative, *Nemine Contradicente*.

A Message from His Honour by Mr. Secretary, viz. Mr. Speaker, His Honour the Lieutenant Governour directs this Honourable House forthwith to attend him in the Council Chamber. Mr. Speaker and the House went up accordingly, and His Honour made a SPEECH to the Court, of which Mr. Speaker obtain'd a Copy. His Honours Speech is as follows, viz.

GENTLEMEN,

**A**T the Desire of the last Assembly I gave Orders for the erecting a Block-house above Northfield, which is so far effected that a Garrison of English have been fixed there for near two Months, to whom are lately added eleven Men of the six Nations, among which are Hendrick and the Sachem of the River Indians. And now I think it greatly our Duty to place a Chaplain there as well for the Benefit of the English as for the Instruction of the Indians of the Garrison, and such of their Tribes as may resort thither.

Having lately received Intelligence of divers Tracts of the Enemy upon the Frontiers of Hampshire, and finding the Apprehensions of the People in those Parts were such, that there was Danger some of the Towns would be entirely abandoned, I took the Advice of His Majesty's Council and ordered a Reinforcement of Forty Men for Northfield, Deerfield and Brookfield. I have also by their Advice added Thirty Men to the Forces Eastward, in order to a March up Kennebeck-River into the Enemy's Country, to surprize them if possible, and also to hinder their Planting, and other Parties being employ'd at the same Time to Scout on other Rivers to intercept them in their Fishing & Fowling; this Reinforcement became necessary that the Frontier Towns might not be exposed thereby.

I have the last Week received Advice that the Chiefs of several Tribes of Canada Indians are on their Progress to Albany, in order to confer with the Commissioners of Indian Affairs of that Government, and the Chiefs of the Six Nations, on the Subject of our War with the Eastern Indians, Whereupon I have by Advice of His Majesty's Council sent two Gentlemen from the County of Hampshire to be present at their Conference, & to give me seasonable Advice of any Matters which may affect this Province; what this Convention may produce is uncertain, but I think it of the highest Consequence to us on this Conjuncture, that we do appear to our Enemies to be in such Posture as to make it their Interest to sue for a Peace. [ 8 ]

I have lately Advice from his Excellency the Governour, that he has presented the Mohawks Belt, which was graciously received by His Majesty.

Gentlemen of the House of Representatives,

The sinking Credit of the publick Bills has been often mentioned from the Chair, and I should have been glad if there were no Occasion now to repeat it, but that Evil

*growing apparently worse every Day: Certainly it must be high time to consider of a Remedy.*

*The Treasurer shall lay the publick Accompts before You, and I conclude with exhorting You in your next Supply to His Majesty for the Service of this Province, to avoid such Restrictions as have of late very much embroil'd Us.*

Wm. DUMMER.

A Petition of *Andrew Harradine, Edward Cheesman, John Filmore, Henry Gyles, Charles Ivey, John Bootman & Isaac Lassen* Mariners and Sailors, shewing that they had the great Misfortune to be taken and by Force to be kept aboard a Piratical Vessel *John Phillips* Commander, that in the Month of *April* past, the Pirates quitted the Vessel they were then in, & with their Arms, Ammunition, Stores, &c. entred into the Vessel of the said *Harradine* forcing the Petitioners on Board the said Vessel also, that the Petitioners out of a just Abhorrence, and Detestation of any Act of Piracy, Robbery or Felony, and to use their utmost Endeavours to obtain their Liberty, and to destroy the said Pirates the common Enemy of Mankind, they arose upon them, and by the Blessing of Almighty GOD on their Endeavours, they threw the Master overboard, killed the Captain, Boatswain and Gunner, and have delivered the Quarter-Master and the rest of their Accomplices into the Hands of Justice, where they have been convicted, and have accordingly received Sentence to suffer the Pains of Death which they justly deserved, Praying that this Court would take the Premises into their wise and serious Consideration, and make such Allowance to them for the Misfortunes, Expences and Charges, which they have necessarily been put to in Convicting said Pirates before the Honourable Special Court of Admiralty lately held for their Tryals, and Grant them such Reward for their aforesaid Services as to them shall seem meet. Read and Committed to the Committee for Petitions.

### Post Meridiem.

*Nathaniel Byfield* and *Samuel Browne* Esqrs; brought down a Petition of *James Pitson* of *Boston*, shewing that he received of one *John Michael Kent*, in the Month of *November* last, he being a Ship Master just then arrived from *London*, two *Ten Shilling* Bills in Imitation of the true *Ten Shilling* Bills of this Province, which the Petitioner suspecting to be Counterfeit, applied himself to a Justice of the Peace, who upon examining said *Kent*, Ordered his Lodgings to be Searched, where were discovered and seized *£.180* of False and Counterfeit Bills, the Justice committed him the said *Kent* to His Majesty's Goal, Praying that as he was the first discoverer of so wicked a Fact, he may not only be reimbursed the said *Twenty Shillings*, but that this Court would please to grant him

such a Bounty as to them in their Wisdom shall seem meet for his said Service, Pass'd in Council, *viz.* In Council *May 29th. 1724.* Read and Sent down Recommended.

Read and Committed to the Committee for Petitions.

A Memorial of *Edward Winslow* Esq; Sheriff of the County of *Suffolk*, shewing that on the 19th of *November* past, one *John Carnes* of *Boston*, Brazier, discovered a Counterfeited *Ten Shilling* Bill of Credit in Imitation of the true Bill of Credit of this Province, but the Utterer thereof not being to be found till the 23d of said Month, when another of said Counterfeited Bills was discovered and followed to Mr. *Pitsons*, who followed it to *John Michael Kent* the Utterer thereof, that the said *Kent* by Virtue of a Warrant from Mr. Justice *Hutchinson*, was Apprehended with 370 *Ten shilling* Counterfeited Bills, and Committed to His Majesty's Goal in *Boston*; that the Memorialist hath advanced *Twenty Shillings* to the Person who discovered where the said *Kent* attempted to break Goal, Praying that this Court would consider and reward the said *Carnes* and *Pitson* for their Care, Diligence and Industry in discovering said Bills, as well as the Memorialist for his Advance as aforesaid, who also has been very careful to make Enquiry after the [9] Engraver of the Plate, who he was informed lived in *London*, the Information and Account whereof he transmitted to the Agents.

Read and Committed to the Committee for Petitions, to consider of this and Mr. *Pitson's* Petition, and report what they think proper to be done on said Petitions.

A Petition of the Select-Men of the Town of *Scarborough*, setting forth that whereas this Court at their Session begun and held the 23d Day of *October* last, upon their Petition then exhibited, did resolve that they should have leave to bring in a Bill for levying a Tax of 4*d.* per Acre *per Annum*, on all sort of of Marsh, other Meadow and improved Lands in the Township of *Scarborough*, belonging either to the Residents or Non-Residents therein, for the Term of Seven Years, then next ensuing, for the Support and Maintenance of the Ministry there, but by reason of the great Distance of the Petitioners from the Court and the Danger of Travelling it could not be then effected, and having now produced a Certificate of the good Services of the Reverend Mr. *Hugh Henry* in the Ministry among them, and his encouraging them to continue among them, praying this Court would please to allow them now to bring in a Bill for levying a Tax of 4*d.* per Acre *per Annum* on the Lands aforesaid for the Use aforesaid, Read. And,

*Resolved*, That the Prayer of the Petition be granted, and that the Petitioners have leave to bring in a Bill accordingly.

Sent up for Concurrence.

*Benjamin Lynde* and *Daniel Oliver* Esqrs. brought down a Letter from Mr. Agent *Dummer*, dated *Middle-Temple March 27th 1724.* and a Postscript in said Letter of the 29th of said Month, directed to Mr. Secretary *Willard* of His Majesty's Province of the *Massachusetts-Bay.* Read.

An Accompt of *John Day* of *Springfield* Taverner, for Victualling sundry *Suffield* Soldiers eighteen Meals, in their march to *Northfield* and other Places, and also when they returned, amounting to 18s. not being certified by any Officer.

Read. And the Question was put, *Whether the Accompt should be paid out of the publick Treasury?* It pass'd in the Negative.

Then the House Adjourned till to Morrow Morning Nine a Clock.

**Sabbati Die 30. Maij. A. D. 1724.**

A Memorial of Col. *Partrigg* with an Accompt of Pay and Subsistance for sundry Companies and Scouts, which he ordered to march out for the Relief of *Northfield*, and other Places when in Danger, as entred the 24th of *December* past, and referred to this Session. Read, And committed to Col. *Chandler*, Mr. *Paine*, and Mr. *Forster* to consider of the same, and make Report of what they think proper for this Court to pass thereon.

*Voted*, That a Message be sent up to the Honourable Board to desire they would send down the Instruction lately received from their Excellencies the late Lords Justices respecting the passing of private Acts.

The said Instruction was brought down. Read.

A Petition of Col. *Robert Gardner* of *London*, as entred the 10th. of *December* past, and referred to this Session. Read and Sent up.

*Daniel Oliver* Esq; brought down the Report of the Committee appointed the 22d. of *April* past, to view the Places proposed or that may be proposed for the Meeting-House in the East Precinct in *Sudbury*, Sign'd by Order and in the Name of the Committee, *Jonathan Dowse.* Pass'd in Council, viz. In Council *May 29th. 1724.* Read and Ordered, That this Report be Accepted, and that the Meeting-House in the East Precinct in *Sudbury* be placed accordingly; And that a Sum not less than *Three Hundred & Fifty Pounds*, nor exceeding *Five Hundred Pounds* be raised by the Town for the carrying said Building on, One half in Six Months, and the other half in Twelve Months, and that a Committee be appointed by the said East Precinct to have the Care and Management thereof, and that the former Order respecting the placing the said Meeting be and hereby is superseded and rendred [10] null and void, And, It is further Ordered, That the Town of *Sudbury* discharge the Accompt of the



Committee's Time and Expences, Amounting to *Five Pounds Eleven Shillings & Six Pence*. Sent down for Concurrence.

Read and Concurr'd.

*Paul Dudley* Esq; brought down the Petition of *Col. Robert Gardner*, Sent up this morning, Pass'd in Council, *viz.* In Council *May 30th. 1724.* Read and Ordered, That the Petitioner forthwith serve the Adverse Parties with a Copy of this Petition, that they give in their Reasons (if any they have) upon Friday the Fifth of *June* next, at Ten of the Clock in the morning, why the Prayer thereof should not be Granted. Sent down for Concurrence. Read and Concurr'd.

A Petition of *Gershom Rice*, and sundry others, praying for a Tract of Land including the Great *Wachusett-Hills*, as entred the 18th. of *December* past, and referred to this Session. Read and referred to the next *May* Session for further Consideration.

A Petition of sundry of the Inhabitants of the Town of *Medfield*, and sundry other Persons of this Province, praying for a Grant of a Tract of Land between *Oxford, Brookfield, and Brimfield*, and the Province Lands, as entred the 21st of *December* past, and referred to this Session. Read and referred to the next *May* Session for further Consideration.

An Accompt of *John Day* of *Springfield* for Victualling sundry Soldiers, Troopers, and finding Forrage for their Horses being in the Service of this Province in the County of *Hampshire*, in *September 1723.* Certified by Capt. *Daniel Goodrich.*

Read and Committed to the Committee for Muster Rolls.

Voted, That there be a suitable Person Provided and Employed as Chaplain to the Garrison above *Northfield*, and more especially that He Instruct the Indian Natives residing thereabouts, in the True Christian Religion, and that there be Allowed and Paid out of the publick Treasury to the said Person the Sum of *One Hundred Pounds* for the Year Ensuing, to begin from his Entrance into said Service; And that the Reverend Mr. *Mather*, Mr. *Wadsworth*, Mr. *Colman* and Mr. *Sewall* be desired to procure such a Person of Gravity, Prudence and Ability, to be Employ'd as aforesaid.

Sent up for Concurrence.

*Adam Winthrop* and *Thomas Palmer* Esqrs; brought down the following Vote of Council, *viz.* In Council *May 30th, 1724.* Ordered, That *John Cushing, John Otis* and *Benjamin Lynde* Esqrs. with such as the Honourable House of Representatives shall appoint be a Committee to consider what Acts that are near expiring or expired are proper to be continued, or revived, and what further Acts are necessary to be made. Sent down for Concurrence. Read and Concurred, And

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*Ordered*, That Mr. *Phillips*, Major *Quincy*, Mr. *Oulton*, and Mr. *Whittemore*, be joined in the Affair.

*Voted*, That His Honour the Lieutenant Governour be desired to lay a List of the Names of all the Forces retained in His Majesty's Service and Pay of this Government, where they are posted, and to what Towns they belong.

Sent up by Mr. *Sanders*.

Then the House Adjourned till *Tuesday* the Second Day of *June* next at Three a Clock Afternoon. [ 11 ]

# VOTES

## Of the House of Representatives.

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*Martis Die 2. Junij A. D. 1724:*

**M**R. Treasurer *Allen* was admitted into the House, and presented his Accompt of the Province from *May 31st. 1723. to May 30th. 1724.* Also an Accompt of sundry Stores and Provisions belonging to the Province, his Accompt of Disbursements for Provisions, Cloathing and other Necessaries for His Majesty's Forces Eastward and Westward, and other Incidental Charges, for His Majesty's Service, from *October 24th. 1723. to May 27th. 1724.* Amounting to *l.8498 8d.* And an Accompt of the present State of the Treasury, which he laid on the Table and then withdrew. Read.

A Message from the Board by *John Clark Esq;* viz. The Board desire to speak with Mr. *Pyncheon* and Capt. *Ashley* two of the Members of this House.

*Ordered,* That Mr. *Ezekiel Lewis*, Capt. *Chambers*, Mr. *James Cushing*, Capt. *Epes*, Mr. *Remington*, Col. *Chandler*, and Mr. *John Paine* be a Committee to take under Consideration the several Accompts presented by Mr. Treasurer *Allen*, and upon Auditing the same, to make Report of what they may be of Opinion may be proper for the Court to pass thereon.

A Petition of several of the Inhabitants of the Town of *Dedham*, near the old Saw Mill, signed *William Robins*, *Joshua Clap* and 5 others in behalf of themselves and the rest of the Petitioners, Shewing that they have for long Time laboured under great Inconveniencies by reason of their great Distance from the publick Worship, that they prefer'd a Petition to the Town of *Dedham* to set them off for a Township, the said Town well considering their Case, at their Meeting held the 15th of *May* last, were pleased so far as concerned them, to grant their Petition, that they might have a Township or distinct Precinct, that the Bounds thereof should extend from *Wrentham* Bounds to the Easterly side of *John Everet's* House, and from *Dorchester* line streight to *Medfield* Road fifty Rods Westerly from the Place where *Hawse's* Brook (so called) crosses *Medfield* Road, and so on *Medfield* Road to *Medfield* Line, Praying that this Court would please to declare and constitute them a Township by such Name as to them shall seem meet, and all the Lands comprehended within the said Bounds may be set off in said Township, that they may enjoy all the Privileges and Immunities which other new Towns in this Province by Law have and enjoy.

Read and Committed to the Committee for Petitions.

*Charles Frost Esq;* brought down a Bill entitled, *An Act in Addition to the Act for Holding Special Courts of Assize and General Goal Delivery.* Read three

several Days in Council, and pass to be Engross'd. Sent down for Concurrence.

Read a first time.

Col. *Chandler* from the Committee for Petitions reported, *viz.*

On the Accompt of *Joseph Marion* as entred the 29th. past, which not being accepted, *Resolved*, That the two Articles of 10s. each, charged in the Office of Notary Publick be not allowed in this Accompt, and that the remaining Sum of *Ten Pounds Fourteen Shillings & Six Pence* be allowed and paid out of the publick Treasury to the Accomptant *Joseph Marion* in full discharge thereof.

Sent up for Concurrence.

On the Petition of Mr. Sheriff *Winslow* as Entred the 23d of *April* and 29th. of *May* past for his Services in manning His Majesty's Ships of War, &c. per Order, which being not accepted, *Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the publick Treasury to *Edward Winslow Esq;* in full Satisfaction of the Services, Expences, &c. for himself, Officers, &c. as mentioned in the Petition.

Sent up for Concurrence. [ 12 ]

On the Accompt of Dr. *Thomas Hastings* as entred the 23d of *April* past, The Committee are of Opinion that the Accompt be allowed. Read and Accepted,

And *Resolved*, That the Sum of *Twenty Eight Pounds Two Shillings & Two Pence* be allowed and paid out of the publick Treasury to Dr. *Thomas Hastings*, in full Discharge of said Accompt. Sent up for Concurrence.

*John Otis Esq;* brought down the following Vote of Council, *viz.* In Council *June* 2d. 1724. *Ordered*, That *Nathaniel Byfield*, *Edmund Quincy*, and *Meletiah Bourn Esqrs;* with such as the Honourable House of Representatives shall joyn be a Committee to consider of some proper Remedy for the distemper among the Sheep in divers parts of this Province. Sent down for Concurrence.

With a Message to desire the House would not presently rise, for that some Letters were just received from *Albany*, concerning the Indian Affairs there, which were sent to His Honour, and would presently be sent into the House. Read and Concurr'd.

And *Ordered*, That Capt. *Kent*, Mr. *Choate*, Mr. *Edward White*, and Capt. *Epes* be added to the Committee of the Board.

*Melatihah Bourn Esq;* brought down the following Vote of Council, *viz.* In Council *June* 2d. 1724. *Ordered*, That Col. *Townsend*, Col. *Wheelwright*, Col. *Quincy*, and Mr. *Palmer*, with such as shall be appointed by the Honourable House of Representatives be a Committee to consider what Methods are proper to be taken by this Court upon the Advices now come from *Albany*, to make Report as soon as possible. Sent down for Concurrence. Read and Concurr'd,



And *Ordered*, That Mr. Speaker, Mr. *Remington*, Mr. *Shove*, Mr. *Quincy*, & Major *Fullam* be joined to the Committee of the Honourable Board.

*Thomas Palmer* Esq; brought down sundry Letters from Col. *Schuyler*, Col. *Stoddard*, Capt. *Pomroy*, and Capt. *Kellogg*, respecting the Negotiations and Treaties now on Foot between our Commissioners of the Indian Affairs at *Albany*, the French Indians, and the Five Nations. Read.

An Accompt of *John Field* of *Hatfield*, amounting to £.10 14s. for Boarding *Enoch Hall*, a Soldier Wounded in the Service of this Province. Read, And

*Resolved*, That the Sum of *Ten Pounds Fourteen Shillings* be allowed and paid out of the publick Treasury to Mr. *John Field* the Accomptant, in full discharge thereof. Sent up for Concurrence.

An Accompt of *John Hastings* for assisting Dr. *Thomas Hastings* in taking Care of the Wounded Soldiers at *Northfield*, amounting to 32s. Read, And

*Resolved*, That the Sum of *Thirty two Shillings* be allowed and paid out of the publick Treasury to *John Hastings* the Accomptant, in full discharge thereof. Sent up for Concurrence.

A Petition of *John Baptist* and *Peter Taffory* Marriners, shewing that they were unhappily taken by *Phillips* the Pirate, and were on Board when Capt. *Andrew Harradine* and others, were so fortunate as to subdue and overcome the said Pirates, that by the misfortune aforesaid they are become very necessitous, and at a great distance from their Friends and Relations, praying this Court's Compassion for their Relief. Read, And the Question was put, *Whether the Prayer of the Petition should be Granted?* It pass'd in the Negative.

A Petition of the Town of *Eastham*, setting forth sundry Inconveniencies they apprehend themselves labouring under by reason of an Act for the better regulating of *Swine*, praying for Relief for the reasons therein mentioned. Read and Committed to the Committee for enquiring into the Acts that are Expired or near Expiring, to consider of this Petition, and report what they think proper for the Court to pass thereon.

A Petition of *James Stevenson*, shewing that on the breaking out of the War with the Indians, the Petitioner being about to remove his Family from *Brunswick*, was advised by Capt. *Gyles* to build a Logg-House at a Well that supplied the Garrison there with Water, which the Petitioner comply'd with at his own Cost, being assured he should be enter'd into the Service, provided he would allow the said Captain *Six Pounds* out of his Wages, which he also agreed to, That the said Captain hath since dismiss'd the Petitioner from the Service, being very much reduced by the Expence he hath been at in building said Block-House, and allowing so much out of his Wages, praying that the Government would still support the said Block-House of so much Service to the Garrison,

and that he may have suitable Relief in the Premises. Read, And  
[ 13 ]

*Ordered*, That the Messenger of the House direct the said Capt. *John Gyles* to attend at the Door to Morrow Afternoon to make Answer to the Complaints made against him in the Petition.

A Petition of *James Harper*, shewing that he served this Province as a Soldier at *Brunswick* under Capt. *Gyles* for upwards of Fourteen Months, being posted at the Logg-House built by *James Stevinson* to cover the Well of Water used by the Garrison there, that the said Capt. *Gyles* has received the whole of the Petitioners Wages from the Treasurer for which he says he gave no Orders, and the said Capt. *Gyles* has detained and kept his Wages, excepting only *l.7 5s.* Complaining also of several other Impositions laid on him by said *Gyles*, praying that this Court would Order that he may be allowed to receive the remainder of his Wages, from said *Gyles*, by whom he has been so much wronged, and to be relieved as to this Court shall seem meet. Read, And

*Ordered*, That the Messenger of this House direct the said Capt. *Gyles* to attend to Morrow Afternoon to make Answer to the Complaints alledg'd against him in the Petition.

*Whereas the Court of General Sessions of the Peace, and Inferior Court of Common Pleas for the County of Middlesex are appointed by Law to be held at Cambridge in said County, upon the Second Tuesday of this Instant June, and several of the Justices of said County, &c. concerned, are Members of this Court,*

*Resolved*, That in Consideration of the present Sitting of the General Court, the said Court of General Sessions of the Peace, and Inferiour Court of Common Pleas be and hereby are Adjourned to the Fourth Tuesday of this Instant *June*, being the Twenty-third Day of said Month. Any Law, Usage, or Custom to the contrary notwithstanding. Sent up for Concurrence.

Then the House Adjourned 'till to Morrow Morning Ten a Clock.

*Mercurij Die 3. Junij. A. D. 1724.*

**A**N Accompt Signed *Daniel Russel* County Treasurer for the County of *Middlesex* for the Year 1723. was presented to the House for Allowance. Read and *Ordered*, That this Accompt be allowed. Sent up for Concurrence.

A Memorial of *Charles Church* Esq; Sheriff of the County of *Bristol*, praying the Direction of this Court for extending a Warrant of Distress he received from *Jeremiah Allen* Esq; Treasurer and Receiver General of this Province against *William Durfey* and *Thomas Corey* as Assessors of the Town of *Tiverton*, for not Assessing said Town in the Year 1723. Read and Sent up.

An Accompt of *Charles Church* Esq; Sheriff of the County of *Bristol*, for

Expences in Securing and Apprehending *William Russel* (a Deserter from His Majesty's Service,) by Order of His Honour the Lieut. Governour.

Read, And

*Resolved*, That the Sum of *Four Pounds Six Shillings* be allowed and paid out of the publick Treasury to the Accomptant *Charles Church Esq*; in full discharge of said Accompt. Sent up for Concurrence.

The Precept directed to the Select-Men of the Town of *Boston*, for Assembling that Town in order to choose a Representative in the room of the Honourable *John Clark Esq*; returned by the Select-Men, who certified, that they had Assembled their Town this Day, who have made Choice of Mr. *William Clark* to serve for and represent them in the room of the Honourable *John Clark Esq*;

The said Choice Voted due and legal.

Col. *Chandler* from the Committee for Petitions, Reported on the Petition of *Andrew Harredine* and others, as entred the 29th. past. viz. The Committee are of Opinion, That the Sum of *Two Hundred Twenty Four Pounds*, be allowed and paid out of the publick Treasury to *Andrew Harredine* and the rest of the Petitioners to be equally divided among them, in Consideration of the good Services mentioned in the Petition, And that there be further advanced to said *Andrew* [ 14 ] *Harredine* the Sum of *Twenty Pounds* to discharge the Wages by him paid to sundry Persons by him employed to assist in bringing about the Sloop *Squirrel* from *Cape-Ann* to *Boston* with the Pirates, and other Charges relating thereto.

Read and Accepted, And

*Resolved*, That the Sum of *Two Hundred Twenty Four Pounds* be allowed and paid out of the publick Treasury to *Andrew Harredine* and the rest of the Petitioners to be equally divided among them for the good Services mentioned in the Petition, And that the further Sum of *Twenty Pounds* be allowed and paid out of the publick Treasury to the said *Andrew Harredine* to be by him repaid to the Persons to whom the same may become due for Wages Assistance and other Charges arising, in bringing the Sloop and Pirates round from *Glocester* to *Boston*: And in Consideration of the great and signal Service done by the Petitioners in suppressing the said Pirates, and delivering them up to Justice, where they have received their just Sentence to suffer the pains of Death, It is further *Resolved*, That the Sum of *Thirty Pounds* be allowed and paid out of the publick Treasury to the said *Andrew Harredine*, *Edward Cheeseman*, and *John Filmore*, who more particularly distinguished themselves in the Action. Sent up for Concurrence by Mr. *Edward White*, With a Message to enquire what is pass'd on the Resolve of the House for Adjourning *Cambridge Court*, Who returned that the Secretary informed him, it was Non concurr'd.

*Resolved*, That this House on Friday next will proceed to the Proportioning the several Towns in this Province to a Tax of *One Thousand Pounds*.

*Upon Information given to this House, that the Troopers of Capt. Adijah Deweys Troop, living in the Town of Westfield, were carried out and born in the Muster Roll for a Fortnight more than they were in the Service or on Duty, and have accordingly been paid by the Province, which Abuse hath arose by the said Deweys entring them on the Roll,*

*Resolved,* That the said *Adijah Dewey* be Summoned by Warrant under the Hand and Seal of the Clerk of this House directed to the Constable of *Westfield*, to appear forthwith before the House to make Answer to the Complaint in said Information.

*Voted,* That Col. *Chandler*, Major *Quincy*, Capt. *Ashley* and Col. *Tyng*, with such as the Honourable Board shall appoint, be a Committee to prepare a Draft of a pressing Letter to the Government of *Connecticut*, for some immediate Assistance from them for supplying a suitable Number of Forces for the Defence of the Frontiers of this Province in the County of *Hampshire*, and also to project and lay before the Court, some further Methods for the Security and Defence of the Western Frontiers. Sent up for Concurrence.

A Petition of *Japhet* Indian, and three others, in behalf of themselves and several other Indians Inhabiting on the Island of *Nantucket*, complaining of sundry grievous Impositions and Abuses they labour under and suffer from the English Inhabitants there, praying for some suitable relief in the Premises, for the reasons in the said Petition mentioned. Read, and

*Ordered,* That the Select Men and Proprietors of the Town of *Sherbourn* in *Nantucket*-County be served with a Copy of this Petition, that a Hearing be had thereon on the Second Wednesday of the next Fall Session of this Court, and that in the mean time it shall and may be lawful for Two Justices of the Peace for the County of *Dukes County* *Quorum Unus* to take the Affidavits or Declarations of the Indians *in Perpetuam*, who through Age or Infirmary are incapable of coming to this Court, and transmit the same into the Secretaries Office; the Adverse Parties to be duly Notified of the Caption of the Indians Affidavits, Any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

*Ordered,* That a Message be sent up to the Honourable Board to desire they would send down Governour *Shute's* Second Memorial and Papers referring to the same, sent up the 29th ult.

*John Clark* and *Symonds Epes* Esqrs; brought down the said Memorial and Papers referring thereto. And

A Petition of sundry Inhabitants of the Westerly End of the Township of *Sherbourn*, praying that the said Westerly End of said Town may be set off as a seperate [ 15 ] and distinct Precinct by the Meets and Bounds in said Petition particularly described, for the Reasons therein mentioned, Pass'd in Council, viz.



In Council June 3d. 1724. Read and Ordered, That *Adam Winthrop* and *Jonathan Dowse* Esqrs; with such as the Honourable House of Representatives shall appoint be a Committee to repair as soon as may be to *Sherbourn*, and make Enquiry into the matter of this Petition, and Report what they think proper for this Court to do thereon, The Charge of the Committee to be born by the Petitioners. Sent down for Concurrence. Read and Concurr'd, And

*Voted*, That Mr. *Ebenezer Stone*, *John Quincy* Esq; and Mr. *Edward White* be joined in the Affair above.

Mr. *Remington* from the Committee for that Service appointed, reported, that they had waited on Mr. *Belcher*, who informed them that he had not any of the Muster-Rolls of the Forces on the late *Canada* Expedition, that they were informed the said Rolls were in the Hands of Mr. *Taylor* of *Lynn*, and Mr. Treasurer, *Allen*.

### Post Meridiem.

The Second Memorial or Complaint of Governour *Shute*, addressed to the Right Honourable the Lord *Carteret* His Majesty's principal Secretary of State. Read. And the several Articles thereof being separately debated on in the House,

*Voted*, That Mr. Speaker, Mr. *Lewis*, Mr. *William Clark*, Mr. *Remington*, and Mr. *Thomas Cushing*, be a Committee to take the said Memorial under Consideration, and that they prepare a proper Answer thereto, and report thereon to the House, so far as the said Memorial or Complaint does affect the House of Representatives.

*A Bill Entitled an Act for apportioning and assessing a Tax of Fourteen Thousand Pounds.* Read a first Time.

An Accompt of *Samuel Smith* for going Express from *Bellingham* to *Woodstock*, in *September* past, certified by Col. *Chandler*. Read. And,

*Resolved*, That the Sum of *Twenty Shillings* be allowed and paid out of the publick Treasury to *Samuel Smith* the Accomptant in full Discharge of said Accompt.

Sent up for Concurrence.

An Accompt of *Nathan Brigham* of *Marlborough* for the Use of his Horse, Bridle and Saddle impressed in His Majesty's Service, for one of the Indian Delegates, the Horse being spoiled for future Service. Certified by *Abraham Williams* Constable of *Marlborough*. Read. And

*Resolved*, That the Sum of *Twenty Shillings* be allowed and paid out of the publick Treasury to the Accomptant *Nathan Brigham* in full Satisfaction for his Horse and the Use of his Bridle and Saddle as aforesaid.

Sent up for Concurrence.

A Petition of *Jane Heard* shewing that one *Philip Browne* a Soldier in his

Majesty's Service Eastward, had the Misfortune to break his Arm, and applied himself to the Petitioner who made a Cure of the Fracture, praying she may receive 40s. for her said Service, being certified by Lieut. *Josiah Winslow*.

Read and committed to the Committee for Muster-Rolls.

An Accompt of Col. *Wheelwright* for sundry Men and Horses, sent Express in His Majesty's Service Eastward, from the 1st of *December* 1722. to the 25th of *April* 1724. amounting to *l.3 4s.*

Read and committed to the Committee for Muster Rolls.

An Accompt of *Stephen Harding* of *Arundell* for Ferrage of sundry Officers and Soldiers in His Majesty's Service from *October* 1722. to *Februrary* last, being for Ferrage over *Kennebunck* River, certified by said Officers, &c. amounting to *l.6 2s. 8d.*

Read and committed to the Committee for Muster Rolls. [ 16 ]

A Message from His Honour the Lieutenant Governour by Mr. Secretary, *viz.*

Gentlemen of the Representatives,

*I received your Message desiring me to lay before you the Lists of the Soldiers, which cannot be done till the Officers come up with their Muster Rolls, there being considerable Alterations, especially in the Eastern Forces by Sickness, Death and Desertion, and the Exchanges of such as have been above two Years in the Service, the Lists whereof are not yet come to my Hands. I take this Occasion to inform you, that as I have been careful to employ the Forces in the best Manner for the Defence of the Province and Annoyance of the Enemy, so I am satisfied the Officers have generally done their Duty with industry and faithfulness, especially in the Eastern Frontiers, where the Service has been hard, for besides the continual Scoutings about the Towns, I have sent out four or five Parties to lye upon the Rivers, and Scout on the Sea Coast, in order to surprize the Enemy, besides other Marches which have been essay'd; and altho' the Providence of GOD hath frown'd on our Undertaking by the Sickness among the Soldiers, and the excessive Rains, I am satisfied the want of Success has not been owing to the Neglect of the Forces. I must therefore recommend to you the raising the Pay of the Captains in the Service, (who have no other Advantages but their Wages) and which Pay at present is less than a Surgeon can be had for, and especially that some further Encouragement be given to the Commander in Chief of the Eastern Forces, who has often applied to me for a Discharge, and having had Experience of his Faithfulness, Industry and good Conduct in the Affairs of the War, I think the Service will much suffer in his Dismission.*

June 3d. 1724.

Wm. DUMMER.

Ordered, That a Message be sent up by Col. *Chandler* to the Honourable Board to Enquire if they have acted on the Report of the Committee of both Houses on the Indian Affairs at *Albany*.

A Message from the Board by *Symonds Epes* Esq; that the Board desire the House would not rise presently, for that the Report of the Committee of both Houses on the Indian Affairs at *Albany* would presently be sent down.

A Muster Roll of the Sloop Sea Flower, *Simon Slocum* Master, being a Transport in His Majesty's Service Eastward. Read and Committed to the Committee for Muster-Rolls.

Then the House Adjourned till to Morrow Morning Nine a Clock.

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B O S T O N: Printed by **Bartholomew Green** and **Samuel Kneeland**,  
Printers to the Honourable House of Representatives. [ 17 ]

# VOTES

## Of the House of Representatives.

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Jobis Die 4. Junij A. D. 1724.

**V**Oted, That Capt. *Nowell* have leave to go home to make further enquiry into the Account he informed the House might be given of the Mismanagement of some of the Officers in His Majesty's Service and Pay of this Province, and to return back to his Duty as soon as he can conveniently.

A Bill Entitled, *An Act in Addition to the Act for holding Special Courts of Assize and General Goal Delivery.* Read a Second Time.

*Nathaniel Byfield* Esq; brought down a Petition of *Charles Church* Esq; Sheriff of the County of *Bristol*, shewing that by Order of the Justices of said County in General Sessions of the Peace he proceeded with Twelve Men to *Tarpolin-Cove*, to take into Custody a certain Ship lying there, and brought in by *Benj. Norton* and Company, to bring her into the Harbour of *Bristol*, and upon his presenting his Accompt of Charge arising by obeying the Order of said Justices, amounting to *l.21 19s. 6d.* they were pleased to order the Accompt to be laid before this Court for their Approbation, Praying they would order the Payment of said Sum either out of the Province Treasury or the Treasury of the County of *Bristol.* Read,

And the Question was put, *Whether the Prayer of the Petition should be Granted?*

It pass'd in the Negative.

An Accompt of Col. *Samuel Browne*, amounting to *l.5 4s.* for subsisting sundry Men ten days, in the Month of *June 1723.* being sent Aboard the Guard Sloop to the Fishery. Read and Resolved, That the Sum of *Five Pounds Four Shillings* be allowed and paid out of the publick Treasury to Col. *Samuel Browne*, in full discharge of said Accompt. Sent up for Concurrence.

A Petition of *Hugh Pike* of *Newbury*, setting forth, that in the Service of this Province he has received many Wounds, whereby he is rendred incapable of providing for himself and Family, that he has received of the Bounty of this Court (besides a Pension of *Five Pounds*,) for the support and maintenance of himself and Family the Sum of *Fifteen Pounds*, for several Years excepting for the Year 1722, for which the Petitioner has received nothing, Praying he may be allowed the same Bounty of this Court for said Year, as he has received for other Years, for the reasons mentioned in the Petition.

Read and Committed to the Committee for Petitions.

A Petition of Capt. *Edmund Ward*, setting forth, that while in the Service of this Province he had the misfortune to Contract upon him the Distemper that was prevailing among the Forces Eastward, which has rendred him



incapable of serving the Government any longer, as well as making any necessary Provision for his own Support, praying the compassionate Consideration of this Court, that he may be relieved in the Premises as to them shall seem meet. Read,

And the Question was put, *Whether the Prayer of the Petition shall be Granted?*

It pass'd in the Negative.

A Petition of *John Green*, a Soldier in His Majesty's Service Eastward, shewing that he being under the Command of Capt. *Joseph Heath*, and being ordered by his Captain to join with the *Maquois*, who engaged the Enemy Indians above *Richmond* in the Month of *September* last, he had the misfortune to receive a Shot from the Enemy, which carried away his left Cheek and part of his Jaw-bone, whereby he is rendred utterly incapable of doing any thing for his Support, being now under the Doctor's Hand for a Cure, Praying the Compassionate Consideration of the Court to be relieved in the premises as to them in their Wisdom shall seem meet.

Read and committed to the Committee for Petitions. [ 18 ]

*Voted*, That a Message be sent up to the Honourable Board to Enquire, whether they have pass'd on the Report of the Committee of both Houses respecting the Indian Affairs at *Albany*, Sent up by Mr. *Clark*, who returned that the Board would send down immediately.

*Voted*, That a Message be sent to His Honour the Lieut. Governour, to desire His Honour would please to Order that his Officers who are to make up their Muster-Rolls may be hastened as soon as may be, that the Business of the Court may be dispatched. Sent by Mr. *Lewis*, Major *Fullam*, and Col. *Bond*.

### Post Meridiem.

A Petition of *Joseph Anderson*, shewing that he lately served this Province as a Soldier under the Command of Capt. *Heath*, that in the Month of *September* last he was in the Engagement with the *Maquois* against the Enemy Indians, when he received three Shot from the Enemy, one whereof was in his left Hand, whereby he has wholly lost the Use thereof, and another shot which carried away two of the fingers of his right Hand, and is rendred incapable of Labour, and not able to Support, Praying the Compassionate Consideration of the Court, to be relieved in the Premises as in their Wisdom shall seem meet. Read and committed to the Committee for Petitions.

*Charles Frost* Esq; brought down the Report of the Committee of both Houses respecting the Indian Affairs at *Albany*, pass'd in Council, viz. In Council *June* 4th. 1724. *Voted*, That the Report of Instructions be Accepted with the Alterations and Amendments as taken into the new Draft. Sent down for Concurrence.

Read and Concurr'd with the Amendments, And that Col. *John Schuyler*, Col. *John Stoddard*, with such other Person as shall be appointed by the Honourable Board be the Commissioners.      Sent up for Concurrence.

A Petition of *John Jackson* late a Soldier in His Majesty's Service Eastward, under the Command of Capt. *John Penhallow*, shewing that in said Service in an Engagement against the Indians he was dangerously wounded by a shot in his right Arm, as by the Captain's Certificate and under-writ by the Surgeon of the Province exhibited with the Petition appears, praying for such Relief or Bounty from this Court as to them in their great Wisdom shall seem meet, for the Reasons given in the Petition.      Read and committed to the Committee for Petitions.

A Petition of *Ebenezer Hovey*, *John Vining*, and *Nath. Symmes*, a Committee of the South Precinct in the Town of *Weymouth*, praying that the Votes and other Precinct Affairs pass'd and agreed to by said Precinct at their several Meetings had since they were set off, may be declared to be good and valid for the reasons therein mentioned.      Read, and in Answer to this Petition, *Voted*, That the several Precinct Meetings held in the South Precinct in the Town of *Weymouth*, and all the Votes, Acts and Orders therein made, be and hereby are ratified and confirmed, notwithstanding any Neglect or Omission in Voting at their first Meeting after they were set off a Precinct by this Court, how and in what manner Meetings should be called for Assembling said Precinct for the future.

Sent up for Concurrence.

An Accompt of Col. *William Dudley*, amounting to 28*s.* for subsisting sundry Soldiers impressed in His Majesty's Service by Order of the Lieut. Governour, and were in Service in *January 1723*.      Read and *Resolved*, That the Sum of *Twenty Eight Shillings* be allowed and paid out of the publick Treasury to Col. *William Dudley*, in full discharge of said Accompt.      Sent up for concurrence.

*John Turner Esq;* brought down the Instructions to be sent to *Albany* to the Commissioners on the Indian Affairs there, pass'd in Council, *viz.* In Council *June 4th. 1724*. Read and Concurr'd with the Amendment, that Col. *John Schuyler* and Col. *John Stoddard* be the Commissioners.      Sent down for Concurrence.

Read and Concurr'd.      Sent up. [ 19 ]

A Petition of *Joseph Underwood*, *John Cummings*, & *Jonas Prescott* in behalf of themselves, and sundry other Proprietors and Inhabitants of the Westerly part of the Town of *Chelmsford*, setting forth that the said Town is become very large, and they having but One Meeting House in the same to accommodate all its Inhabitants, which is placed nigh the East End of the Town, by reason whereof the Petitioners are exposed to great Hardship and Difficulties in



Travelling to said Meeting-House to attend the publick Worship of GOD, praying the Order of this Court that the said Meeting-House may be removed to the Centre of said Town, or that the Westerly half of the Lands in *Chelmsford* may be set off as a separate Precinct, and a Meeting House may be Erected therein at the Charge of the whole Town, for the Reasons mentioned in the Petition.

Read and *Ordered*, That the Towns of *Chelmsford* & *Littleton* be served with a Copy of this Petition, that they give in their Reasons (if any they have) on the first *Tuesday* of the next Fall Session of this Court, why the Prayer thereof should not be Granted.

A Petition of the Select Men of the Town of *Littleton* in behalf of said Town, shewing that in *May 1721*. several of the Inhabitants of *Concord* & *Chelmsford*, presented their Petition to this Court, praying they might be set off from said Towns and annexed to the Town of *Littleton*, which was not then granted for the reasons the Petitioners suggest in the Petition, praying that the said inhabitants who are Twenty-two in Number, and are desirous to be set off, may be annexed to the Town of *Littleton*, the said Town having placed their Meeting-House for Accommodation of said Petitioners as well as their own, and for other Reasons mentioned in said Petition. Read and referred to the next Fall Session for further Consideration.

Then the House Adjourned 'till to Morrow Morning Nine a Clock.

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**Veneris Die 5. Junij. A. D. 1724.**

**C**apt. *John Gyles* was admitted into the House, and *James Harper* late a Soldier under his Command; the said *Harper's* Petition & *James Stevenson's* as entred the 2d Currant were read, Capt. *Gyles* & said *Harper* being heard on the matters and things alledged in the Petitions, they withdrew. And after some Debate had thereon, *Ordered*, That Major *Fullam*, Mr. *Clark*, Col. *Tyng*, Mr. *Edward White*, and Major *Quincy*, be a Committee to take under their Consideration the said Petitions, and that the said Capt. *Gyles* and the said *Harper* be directed to attend the Committee, And that the Committee report their Opinion of what is proper for this Court to pass thereon.

An Account Sign'd *Ebenezer Lewis*, County Treasurer of the County of *Barnstable* for the Year 1723. was presented for Allowance. Read and *Ordered*, That this Account be allowed. Sent up for Concurrence.

Mr. *Lewis* from the Committee for Petitions, reported, *viz.*

On the Muster Roll of the Sloop Seaflower *Simon Slocum* Master, as entred the 3d Currant, The Committee having Examined the within Muster Roll of the Sloop Seaflower *Simon Slocum* Master, find it to be right Cast, and Examined by the Treasurer, are therefore of Opinion, that the Sum of *l.129 12s. 6d.* be allowed and paid out of the publick Treasury to the said *Simon Slocum* in

full discharge of the said Roll, for himself, the Sailors and Sloop Hire.      Read and Accepted,

And *Resolved*, That the Sum of *One Hundred & Twenty Nine Pounds Twelve Shillings & Six Pence* be allowed and paid out of the publick Treasury to the said *Simon Slocum* for the Wages and Sloop Hire of said Muster-Roll in full discharge of the same.      Sent up for Concurrence.

On an Accompt of Expresses of Col. *Wheelwright* as entred the 3d Currant, The Committee having Examined the within Accompt, find it right Cast and well Vouch'd by said Col. *Wheelwright*, are therefore of Opinion, that the Sum of *l.3 4s.* be allowed and paid out of the publick Treasury to *John Wheelwright Esq*, to be by him paid to the respective Persons to whom it is due in full discharge of said Accompt.      Read and Accepted,      And [ 20 ]

*Resolved*, That the Sum of *Three Pounds Four Shillings* be allowed and paid out of the publick Treasury to *John Wheelwright Esq*; in full discharge of said Accompt, to be repaid to the Persons to whom the same is respectively due.      Sent up for Concurrence.

On the Accompt of *Stephen Harding* for Ferrage, as entred the 3d Currant, The Committee are of Opinion, that the Sum of *Six Pounds Two Shillings & Eight Pence* be allowed and paid out of the publick Treasury to *Stephen Harding* in full of the within Accompt, the same being right Cast and well Vouch'd.      Read and Accepted,

And *Resolved*, That the Sum of *Six Pounds Two Shillings & Eight Pence* be allowed and paid out of the publick Treasury to the Accomptant *Stephen Harding*, in full discharge of the within Accompt.      Sent up for Concurrence.

According to the Order of the Day the House proceeded to Proportion the several Towns within the Province to a Tax of *One Thousand Pounds*.

*Adam Winthrop Esq*; brought down the Petition of Col. *Robert Gardner*, (with a Message that Col. *Gardner's* Attorney not knowing the former Order of Court thereon in time to comply therewith) pass'd in Council, *viz.* In Council *June 5th. 1724.* *Ordered*, That the Answer to this Petition, if any shall be made, be laid before this Court on the 12th. Instant.      Sent down for Concurrence.

Read and Concurr'd.

A Petition of *Philip White*, shewing that one *Jonathan Green* commenced an Action of the Case against him Tryable before Mr. Justice *Bond* of *Watertown*, and obtained Judgment against him, from which Judgment the Petitioner appealed to the next Inferiour Court of Common Pleas to be holden at *Cambridge* for the County of *Middlesex*, on the Second Tuesday of *June* Currant, But it so happened that the Petitioners Attorney being taken up with the Business of the General Court, he neglected to file Reasons of Appeal in Time,

so that the Petitioner is without Remedy in the Law, praying this Court would relieve him in the Premises. Read. And in Answer to this Petition,

*Resolved*, That upon the Petitioners entring his Action at the next Inferiour Court of Common Pleas, to be holden at *Cambridge* for the County of *Middlesex*, The Justices of said Court be and hereby are impowered and directed to continue the Action over to the then next Inferiour Court of Common Pleas to be holden at *Concord* within and for the County aforesaid, on the last Tuesday of *August* next, and that the Petitioner in the mean time file his Reasons of Appeal, from the Judgment of said Justice, with him, seven Days at least before the sitting of said Court, and that the said Court then proceed to a Tryal of the Action, give Judgment therein, and award Execution accordingly, Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

### Post Meridiem.

A Bill Entituled, *An Act in Addition to the Act for holding Special Courts of Assize and General Goal Delivery*. Read a Third time, and pass'd a Concurrence.

An Accompt of *Samuel Hart* of *Ipswich* for the use of his Horse, &c. for Col. *Thomas Westbrook* impressed by Order of His Honour the Lieut. Governour, and certified by *Philip Fowler* Constable. Read and *Resolved*, That the Sum of *Fifteen Shillings* be allowed and paid out of the publick Treasury to the Accomptant *Samuel Hart* in full discharge of said Accompt. Sent up for Concurrence.

A Petition of *Francis Wyman* late a Soldier in the Service of this Province under Capt. *Francis Barker*, shewing that he received a shot in his left Legg from the Indian Enemy, and was at the Expence of *l.3 6s.* for Nurses, Attendance, &c. for his Cure, certified by Dr. *Moodey*, praying he may be reimbursed the said *l.3 6s.* and receive such Smart Money as this Court shall please to allow.

Read and committed to the Committee for Petitions.

*Voted*, That His Honour the Lieut. Governour be desired in the Name of this Court, to write to His Excellency Governour *Burnett* to acquaint him of the Treaty and Transactions to be had between this Government and the several Tribes of Indians expected at *Albany*, and desire His Excellency's Assistance and Friendship therein. Sent up for Concurrence. [ 21 ]

A Petition of *James Watson*, *Samuel Hill*, *Zerubbabel Eager*, and 32 others, Inhabitants of *Concord*, *Sudbury*, *Marlborough*, and *Stow*, praying they may be allowed to purchase of the Indian Proprietors their Right and Interest in a certain parcel of Land called *Hassanamisco*, which was granted to said Indians

by this Court *Anno* 1654, which was accompanied with a Petition signed by the Indian Proprietors of said Lands, setting forth their desire that they may be allowed to make Sale of their right to said Lands to the Petitioners. Read, and in Answer to this Petition *Voted*, That the Lands belonging to the Indian Proprietors at *Hassanamiso* shall be Sold to the Petitioners for the use of the Indian Proprietors under such Restrictions, Conditions and Limitations as the Great and General Court shall Order.

Sent up for Concurrence.

*Voted*, That Mr. *Prescot* be added to the Committee for Enquiring into the Acts that are near Expiring or Expired, &c. in the room of Mr. *Oulton* who is Absent by Leave.

*Samuel Browne* Esq; brought down the Memorial of *Charles Church* Esq; Sheriff of the County of *Bristol*, praying the Direction of this Court for extending a Warrant of Distress received from Mr. Treasurer *Allen*, against *William Durfey* and *Thomas Corey* of *Tiverton*, as entred the 3d Currant, pass'd in Council, viz. In Council, *June 5th*, 1724. *Ordered*, That the several Persons

who served as Town-Clerk, Select-Men, and Constable or Constables, of the Town of *Tiverton* for the Year 1723. together with *William Durfey* and *Thomas Corey* (said to be Assessors for said Town for the Year abovesaid,) attend this Court on *Tuesday* the *Sixteenth* Instant, to shew Cause why the Tax laid by this Court on the said Town for the said Year, was not assessed and collected according to Law. Sent down for Concurrence. Read and Concurred.

An Accompt signed *Edward Winslow*, amounting to *l.16 1s. 10d.* being the Expence of this Court on His Majesty's Birth Day. Read. And

*Resolved*, That the Sum of *Sixteen Pounds One Shilling and Ten Pence* be allowed and paid out of the publick Treasury to *Edward Winslow* Esq; to be by him repaid to the Persons to whom the same is respectively due, in full discharge of said Accompt. Sent up for Concurrence.

A Bill entitled, *An Act to impower the Select Men of the Town of Scarborough to lay a Tax of Four Pence an Acre per Annum, on all the Land within the said Town, for the Support and Maintenance of the Ministry there.*

Read a first Time.

An Accompt signed *Habijah Savage* Vice Muster M. General, amounting to *l. 31 8s.* for billeting Soldiers in the several Taverns of the Town of *Boston*, by Order of His Honour the Lieutenant Governour, in *January* and *February* last.

Read and committed to the Committee for Muster-Rolls.

A Petition of *Thomas How* and others of *Marlborough* and *Stow*, praying as entred the 27th of *June* and 18th of *December* last, referred to this Session. Read, and referred to the next *May* Session for further Consideration.

A Petition signed *Richard Davenport* & *Daniel Hudson* Agents for the South Precinct in *Bridgewater*, setting forth that in the Report of a Committee ap-



pointed by this Court to set off a Precinct in the Easterly part of the North-Precinct in *Bridgewater*, which was accepted by the Court, there are some things therein contained not plainly understood by the Petitioners concerning the Bounds of said Precinct, praying this Court would take the Premises into their Consideration and order the said Committee to explain the said Report wherein it is not clearly understood, for the reasons mentioned in the Petition. Read, and the following Vote pass'd in Answer to said Petition, *viz. Whereas some Mis-understandings have arisen in the Report of the Committee of this Court sent to Bridgewater, concerning the Bounds between the South and East Precincts,*

*Ordered*, That the said Committee consider thereof, and by a further Report to this Court explain the Bounds and Limits of those Precincts in *Bridgewater*, and that in the mean time the South Precinct continue as heretofore they were.

Sent up for Concurrence. [ 22 ]

*Joseph Hammond* Esq; brought down a Petition of *Timothy Sprague* of *Malden*, Miller, complaining of sundry extrajudicial proceedings of *Eleazer Flagg* Esq; One of His Majesty's Justices of the Peace for the County of *Middlesex*, upon a Complaint of *Benjamin Gerey*, *John Vinton*, and *John Gold* against the Petitioner, as also of the Irregular proceeding of the Court of General Sessions of the Peace of the said County upon his Appeal from the Sentence of the said Justice *Flagg*, praying for Relief in the Premises for the reasons mentioned in the Petition, pass'd in Council, *viz.* In Council *June 5th. 1724.* Read and *Ordered*, That the Petitioner be enabled to have a Tryal of the Appeal mentioned in the Petition at the Court of General Sessions of the Peace for the County of *Middlesex*, to be held in *September* next, he filing his reasons according to Law, and giving seasonable notice to the Complainants, and that the Justices of the said Court be and hereby are impowered and directed to hear and determine the same, and in case Justice *Flagg's* Sentence be reversed, that the Money levied by Execution be restored to the Petitioner, the Quashing of the Reasons of Appeal, or any Law Usage or Custom to the contrary notwithstanding, and the former proceedings in the said Cause are declared null and void.

Sent down for Concurrence.

*John Turner* Esq; brought down the Report of the Committee appointed to repair to *Hassanamisco*, and view the Lands Petitioned for by *Thomas Drury* of *Framingham*, Jun. as entred the 23d of *November* past, sign'd *Samuel Thaxter* in the Name of the Committee, pass'd in Council, *viz.* In Council *June 5th. 1724.* Read, and *Ordered*, That the within report be accepted, and that the Petitioner *Thomas Drury* have leave to purchase the Land and Stream mentioned in his Petition for the consideration of the Sum of *One Hundred Pounds* to be paid into the Hands of *Francis Fullam* Esq; and upon Condition that the said *Drury* his Heirs or Assigns maintain and keep up the Mill he has erected on the said Stream, in good Repair and fit for grinding, for the space of Twenty Years



next coming, the said *Francis Fullam* to take Care that the Deed be drawn accordingly, and the Indians to be allowed so much out of the said Sum as he shall judge proper to supply their present Necessities. Sent down for Concurrence.

Read and Concurred.

Then the House Adjourned till to Morrow Morning Nine a Clock.

**Sabbati Die 6. Junij A. D. 1724.**

**A** Petition of *John Hamlin* of *Barnstable*, setting forth that his honoured Father *John Hamlin* late of *Barnstable* deceased, by his last Will and Testament, gave and bequeathed sundry parcels of Upland and Marsh to the Petitioner and his Brother *Benjamin*, which Land they sometime held in Partnership, but the said *Benjamin* being since Dead and left Issue, praying the Order of this Court for a Division of said Upland and Marsh in such way as to the Court shall seem meet, that the Petitioner may hold and improve his half of the Premises in Severalty, for the reasons therein mentioned.

Read and Sent up.

Two Accompts of the Commissioners of the County of *Essex*, for Letting out the *£100 000* Loan, beginning in *October 1721*, and ending in *October 1723*. Read and Committed to Mr. *William Clark*, Mr. *Phillips*, Mr. *Lewis*, and Mr. Treasurer *Allen*, who are hereby also appointed to Audit the several other Commissioners Accompts for Letting out the said Loan, which shall be presented to this Court for Allowance, and report thereon as soon as may be. [ 23 ]

A Petition of *Abigail Darling* Relict Widow of *George Darling* deceas'd, shewing that her late Husband being a Soldier in His Majesty's Service Eastward, received Two Wounds from the Indian Enemy when they attacked *Arowsick-Island* in *Sept. 1722*. of which Wounds he languished for a long time, and is now deceased, and left the Petitioner with four young Children in low and distressed Circumstances, being charged with a Doctor's Bill, amounting to *39s. 3d.* for Medicines, &c. for her said Husband, praying the Compassionate Consideration of this Court as to them in their wonted goodness shall seem meet.

Read, and in Answer to this Petition,

*Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the publick Treasury to *Charles Chambers* Esq; to be by him paid, viz. to Dr. *Peter Calef*, to discharge his Bill of *Thirty Nine Shillings & Three Pence*, and the remainder to the Petitioner for her relief.

Sent up for Concurrence.

A Petition of *Isaac Learned* as Entred the 21st. of *June* last, and referr'd to this Session, Read, and in Answer to this Petition,

*Ordered*, That Mr. Speaker, and Mr. *Whittemore*, with such as the Honourable

Board shall appoint be a Committee in the Name of this Government to make Sale of the Lands mentioned in the Petition for the Use of the Province to the highest bidder or bidders by Cant or Auction on the Second Wednesday of *September* next, at the now Dwelling-House of *William Patten* Taverner in *Boston*, Publick Notice to be given of the Sale by the Committee twenty days before the time of Sale, and lawful Conveyance or Conveyances of the Premises to be given accordingly.

Sent up for Concurrence.

*Voted*, That *Mr. Stone*, *Mr. Tay*, *Mr. Tenney*, *Mr. John Paine*, and *Mr. Sayward*, be a Committee to project and prepare a Bill for the better Observation of the LORD's Day, and make report thereof.

A Bill Entitled, *An Act to impower the Select Men of the Town of Scarborough to lay a Tax of Four Pence an Acre per Annum on all the improved Lands within the said Town for the Support and Maintenance of the Ministry there.*

Read a Second Time.

*Charles Frost* Esq; brought down the Petition of *James Watson*, *Samuel Hall* and *Zerubbabel Eager*, and others, praying for Liberty to Purchase the Indian-Proprietors Rights to the Lands at *Hassanamisco*, as entred Yesterday, pass'd in Council, viz. In Council *June 6th. 1724.* Read and Non-concurr'd, and *Ordered*, That *William Tailer*, *John Otis*, and *Samuel Thaxter* Esqrs; (or any two of them) with such as the Honourable House of Representatives shall join, be a Committee to repair to *Hassanamisco*, and discourse with the Indians there, and inform themselves, whether (as is represented) they are really desirous to dispose of their Lands, and if so, that they carefully view the Land, and report to this Court at their next Session, the Quality and Circumstances thereof, and who are the just Proprietors, in order to its being Sold (if this Court shall judge it fit) to such as will give most for it.

Sent down for Concurrence. [ 24 ]

A Memorial of Capt. *John Gyles* of His Majesty's Fort *George*, praying that the matters and things Complained of against him by *James Harper* in his Petition to this Court, may be referred to the next Session of the Court, for the Reasons mentioned in the Memorial. Read twice.

Major *Fullam* from the Committee appointed to consider of the Petition of *James Harper* as entred the 5th. Currant, reported according to Order, viz.

After a full Hearing of both Parties before the Committee, and the best Search into the Accompts presented by Capt. *Gyles*, who acknowledged he had received by his Muster-Rolls on Accompt of the said *Harper* the Sum of *l.15 6s. 10d.* whereof he has paid to the said *Harper* (as it appears to the Committee) no more than the Sum of *l.8 1s. 9d. l.4 16s.* part of the remainder being Charged for *Guarding* on said *Harper's* Accompt, and the Sum of *l.2 2s. 5d.* for sundry's said to be delivered to him by Capt. *Gyles* and one *Eaton*, and *6s. 8d.* for cutting

Wood, which Articles amounting to the Sum of *l.7 5s. 1d.* were deny'd by *Harper* and not proved by *Capt. Gyles*, wherefore the Committee are humbly of Opinion, that the Treasurer be directed to stop the said Sum of *l.7 5s. 1d.* out of *Capt. Gyles's* Wages in his next Muster-Roll, until he make it appear to this Court that he has paid the Sums as abovesaid. And *Whereas upon Examination the Committee find that the said Harper is born on Capt. Gyles's Roll beginning August 14th. 1722. about two Months & fourteen days before the said Harper entred the Service, as he and others declared to the Committee to the wrong of the Province, and in direct opposition to the Law:* The Committee are therefore further of Opinion that the Attorney General be directed in behalf of the King to file an Information against the said *Capt. Gyles*, as soon as may be, in any of His Majesty's Courts of Record proper to Try the same, And that His Honour the Lieut. Governour be desired to subject him to such Tryal.

Read and Accepted.

Then the House Adjourn'd till Monday next Three a Clock Afternoon.

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B O S T O N: Printed by **Bartholomew Green** and **Samuel Kneeland**,  
Printers to the Honourable House of Representatives. 1 7 2 4.      [ 25 ]

# VOTES

## Of the House of Representatives.

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Lunæ Die 8. Junij. A. D. 1724.

A Bill Entitled, *An Act for Apportioning and Assessing a Tax of Fourteen Thousand Pounds.* Read a Second Time.

A Petition of *Robert Love*, shewing that just upon the breaking out of the present War with the Eastern Indians, he had the misfortune to be Captivated by them, and carried to *Canada*, That Mr. *Philip Schuyler* advanced for him in *Canada* and *Albany* for his Redemption, Expences and Charges in returning home, the Sum of *l.75 7s. 3d.* praying that the said Sum may be allowed out of the publick Treasury to the said Mr. *Philip Schuyler* to reimburse him for the said Advance, and that the Petitioner may receive such Bounty out of the publick Treasury as to this Court shall seem meet, for the reasons mentioned in the Petition. Read, and the Question was put,

*Whether the Prayer of the Petition should be Granted?* It pass'd in the Negative.

A Petition and Accompt of Mr. Sheriff *Winslow*, amounting to *l.21 6s. 1d.* for sundry extraordinary Charges and Expences on the Pyrates lately brought in by Capt. *Andrew Harredine* and Company, praying he may be allowed said Sum, and such further Allowance for his Care Trouble and Attendance on said Pirates as this Court shall please to grant. Read and committed to the Committee for Petitions.

Mr. *Lewis* from the Committee appointed to Audit the Treasurers Accompts, Reported, that they had attended the Order of the House, and performed that Service, and find that Mr. Treasurers Accompts, are right Cast, and well vouch'd,

Whereupon the following Vote pass'd, viz.

The Accompts of *Jeremiah Allen* Esq; Treasurer and Receiver-General of the Province of the *Massachusetts-Bay*, beginning the 31st. Day of *May*, 1723. and continued to the 30th. Day of *May* 1724. Amounting to the Sum of *One Hundred Thirty Eight Thousand Four Hundred Twenty Five Pounds, Thirteen Shillings and Three Pence half penny*, having been presented and laid before the House of Representatives, and inspected by said House, by which it appears, that there was outstanding the 30th of *May*, 1724. *Three Thousand Two Hundred Eighty Five Pounds Fourteen Shillings & Four Pence half penny* of the Taxes, *Forty Eight Thousand Seven Hundred and Nineteen Pounds* of the last *l.50 000* Loan, and *Thirty Thousand Six Hundred & Forty Pounds Four Shillings & Ten Pence half penny* Neet Province Bills, and *Six Hundred Twenty Pounds Seven*



*Shillings & Four Pence half penny*, with Five per Cent. thereon in the Treasury further to be accompted for,

*Voted*, That the said Accompts in the several Articles of Receipts and Payments therein mentioned, amounting to the Sum of *Fifty Five Thousand One Hundred and Sixty Pounds Six Shillings & Eight Pence*, be and hereby are allowed of, and the said Treasurer is hereby discharged of the said Sum of *Fifty Five Thousand One Hundred and Sixty Pounds Six Shillings & Eight Pence*.

Sent up for Concurrence.

*Voted*, That Col. *Chandler*, Capt. *Kent*, Mr. *Thomas Cushing*, Col. *Tyng*, and *Joseph Parsons* Esq; be a Committee to project and prepare a proper Establishment for payment of Expresses dispatched or that may be dispatched in the Service of this Province, and make report thereon.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Samuel Wheelwright*. Read and committed to the Committee for Muster-Rolls. [ 26 ]

An Accompt of *Zechariah Symmes* for going Express to *Framingham* in *October* last by Order of the Government. Read, And

*Resolved*, That the Sum of *Fifteen Shillings* be allowed and paid out of the publick Treasury to the Accomptant *Zechariah Symmes* in full discharge of the within Accompt. Sent up for Concurrence.

An Accompt of *John Green* for going Express to *Framingham* in the Service of this Government. Read, And

*Resolved*, That the Sum of *Fifteen Shillings* be allowed and paid out of the publick Treasury to the Accomptant *John Green* in full discharge of the within Accompt.

Sent up for Concurrence.

Col. *Chandler* from the Committee for Petitions, Reported, viz.

On the Petition of *Francis Wyman* as Entred the 5th Currant, The Committee are of Opinion that the Sum of *Five Pounds* be allowed and paid out of the publick Treasury to the Petitioner *Francis Wyman* for Smart Money, and *Three Pounds Six Shillings* for Nursing, Attendance, &c. to discharge the above Accompt,

Read and Accepted, and *Resolved*, That the Sum of *Eight Pounds Six Shillings* be allowed and paid out of the publick Treasury to the Petitioner *Francis Wyman* agreeable to the above Report. Sent up for Concurrence.

On the Petition of *Joseph Anderson* as entred the 4th Currant, The Committee are of Opinion that the Sum of *l.5* per Annum be allowed and paid out of the publick Treasury to the Petitioner *Joseph Anderson*, and that it be recommended to His Honour the Lieut. Governour that the said *Anderson* be continued in the Service and Pay of this Government. Read and Accepted, and *Resolved*, That the Sum of *Five Pounds* per Annum be allowed and paid out of the publick Treasury to the Petitioner *Joseph Anderson* as a Pension, and



further that he be still retained in the pay of this Government. Sent up for Concurrence.

On the Accompt of *John Green* as entred the 4th. Currant, The Committee are of Opinion that there be allowed and paid out of the publick Treasury to the Petitioner *John Green* by way of Pension the Sum of *l.15* per Annum, for his Maintenance, to Commence from the Time of his dismissal from the Service.

Read and Accepted, and *Resolved*, That a Pension of *Fifteen Pounds* be allowed and paid out of the publick Treasury to the Petitioner *John Green* Annually for his Maintenance, to begin from the Time of his being dismiss'd from the Service of the Province. Sent up for Concurrence.

On the Petition of *John Jackson*, as entred the 4th. Currant, The Committee are of Opinion, that the Sum of *l.6* per Annum by way of Pension be allowed and paid out of the publick Treasury to the Petitioner *John Jackson*, and that the further Sum of *Ten Pounds* be allowed and paid out of the publick Treasury to the said Petitioner in consideration of his being dismissed from the Service, and left to provide for himself before he recovered his Health. Read and Accepted, and

*Resolved*, That a Pension of *Six Pounds* be Annually allowed and paid out of the publick Treasury to the Petitioner *John Jackson*, and further that the Sum of *Ten Pounds* be allowed aud paid to him for that he was dismissed from the Service before he recovered his Health, and left to provide for himself.

Sent up for Concurrence.

*Voted*, That *Jonathan Remington*, *Charles Chambers*, and *Henry Phillips* Esqrs; have leave to be absent this Week on Account of the sitting of *Cambridge Court*.

A Petition of *Thomas Alden*, setting forth that in the Absence of the Surgeon employed by this Province, he hath served as Doctor and Surgeon to part of His Majesty's Forces Eastward under the Command of Col. *Thomas Westbrook*, for whom he hath done and perfected many Cures, as by the Certificates to the Petition annexed appears, praying the wise and just Consideration of this Court, that he may receive for such his Services, what may be thought reasonable out of the publick Treasury. Read and committed to the Committee for Petitions.

Then the House Adjourned 'till to Morrow Morning Nine a Clock. [ 27 ]

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**Martis Die 9. Junij A. D. 1724.**

**A** Bill Entitled, *An Act to empower the Select Men of the Town of Scarborough to lay a Tax of Four Pence an Acre per Annum on all the improved Lands within the said Town for the Support and Maintenance of the Ministry there,*

Read a Third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

An Accompt of Mr. *William Pynchon* for himself and Ten Troopers, who went out as a Guard to the Honourable the Justices of His Majesty's Superiour Court of Judicature, at their Session held at *Springfield* in *September 1722.* by Order of Capt. *Adijah Dewey*, amounting to *l.3 12s. 6d.* Read, and

*Resolved*, That the Sum of *Three Pounds Twelve Shillings & Six Pence* be allowed and paid out of the publick Treasury to Mr. *William Pynchon* to be by him repaid to the several Troopers to whom the same is due, in full discharge of said Accompt. Sent up for Concurrence.

*Whereas* James Harper late a Soldier born on the Muster-Roll of the Company in His Majesty's Service at Fort George at Brunswick Capt. John Gyles Commander, hath by his Petition to this Court complained of sundry Frauds and great Abuses imposed on him by the said Gyles, as particularly set forth in the said Petition, and the said Gyles and Harper being admitted into the House were heard thereon, and afterwards the said Petition, being committed to a Committee of this House, who having had the Parties also before them, and heard them touching the Facts and Complaints alledged in the Petition made a Report thereon, which was to the Acceptance of the House, And the House having considered the said Report on the Complaints Exhibited by the said Harper,

*Resolved*, That any Officers Mustering or Enrolling any Person or Persons on any Muster-Roll on any pretence whatsoever sooner than by Law he or they ought to do, is a manifest Deceit, Couzenage and Imposition on this Government, and contrary to an Act of this Court made in the Ninth Year of His present Majesty's Reign, Entitled, *An Act for the further Encouragement and Regulation of the Officers and Soldiers retained in His Majesty's Service and Pay of this Government.*

*Resolved*, That it appears to this Court that the said Capt. John Gyles hath by his indirect Practices and unlawful Proceedings entred James Harper on the Roll of His Majesty's Fort George, and received Pay and Subsistence for him before he was Enlisted into the Service.

*Resolved*, That the Attorney General do File an Information in behalf of Our Sovereign Lord the King against the said Capt. John Gyles for his aforesaid Misdemeanours, unjustifiable and unlawful Practices & Proceedings, and that he prosecute the same to Effect at the next Court of General Sessions of the Peace for the County of *Suffolk*, and that His Honour the Lieut. Governour be desired to subject the said Capt. Gyles to the said Prosecution.

Sent up for Concurrence by Mr. *Clark*, Capt. *Epes*, and Mr. *Choate*.

*Paul Dudley* Esq; brought down an Engross'd Bill, Entitled, *An Act for holding special Courts of Assize and General Goal Delivery.* Read, and

*Resolved*, That the Bill do pass to be Enacted.

*Nathaniel Byfield* Esq; brought down sundry Letters, Journals, &c. from Col. *Thomas Westbrook*, and the other Officers under his Command, with an

Accompt of the Forces there, and of those that are Sick, Wounded, Deserted and Dead. Read.

Mr. *Lewis* from the Committee appointed to prepare a proper Form for a Resolve for a Supply of the Treasury, Reported according to Order, which was Read and Accepted, and is as follows, *Viz.* [ 28 ]

In the House of Representatives, *June* 9th, 1724.

**P**ursuant to the Direction in the Royal CHARTER in that Clause or Paragraph empowering the General Court to impose and levy proportionable and reasonable Assessments, Rates and Taxes,

*Resolved*, That the Treasurer be and hereby is directed to Issue forth and Emit the Sum of *Twenty Five Thousand Pounds* in Bills of Credit on this Province for the necessary Defence and Support of this Government, and the Protection and Preservation of the Inhabitants thereof, to be Issued out and disposed of by Warrant under the Hand of the Lieutenant Governour or Commander in Chief for the Time being, with the Advice and Consent of the Council, *Twenty Four Thousand Pounds* whereof shall be applyed for the Uses, Intents and Purposes in this Act hereafter expressed, *viz.* For the Payment of all Grants, Premiums and Stipends Established by Law; for the defraying and paying the Charges of Castle *William* and other Forts and Garrisons, Transports, Muster-Rolls of Soldiers and Sailors, Allowances, and all other Accompts of Charges allowed and passed on for Payment by this Court: And that the Sum of *One Thousand Pounds*, being the residue and remaining part of the said Sum of *Twenty Five Thousand Pounds*, shall be applied for the Payment of Expresses dispatched in the Service of this Government in the Recess of this Court, together with all necessary unforeseen Charges that demand prompt Payment which shall arise in the Recess of the Court as aforesaid. Provided always, that the several Drafts made upon the Treasurer aforesaid, Express and Declare out of which of the Two several Sums abovementioned the Money is to be paid; and the said Bills shall pass out of the Treasury at the Value therein expressed Equivalent to Money, and shall be so taken and Accepted in all Publick Payments.

And that the Duties of Impost and Excise shall be a Fund and Security for the repayment and drawing in the said Bills into the Treasury again, so far as that will reach.

And as a further Fund and Security for the same, *It is further Resolved*, That there be and hereby is Granted unto His most Excellent Majesty for the Ends and Uses aforesaid, and for no other Ends and Uses whatsoever, a Tax of *Eleven Thousand Pounds*, to be Levyed on Polls and Estates both Real and Personal within this Province, according to such Rules and in such proportion upon the several Towns and Districts within the same, as shall be Agreed on and Ordered

by the Great and General Court or Assembly of this Province at their Session in *May* One Thousand Seven Hundred and Twenty Seven, and paid into the Publick Treasury on or before the last Day of *December* next after.

And that the further Sum of *Fourteen Thousand Pounds* being the remainder of the aforesaid *Twenty Five Thousand Pounds* be Levyed upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportions upon the several Towns and Districts within the same, as shall be Agreed on and Ordered by the Great and General Court or Assembly of this Province at their Session in *May* One Thousand Seven Hundred & Twenty Eight, and paid into the publick Treasury on or before the last Day of *December* next after.

Sent up for Concurrence, by Mr. *Oulton*, Major *Gorham*, Mr. *Bunker*, and Mr. *Plaisted*. [ 29 ]

### Post Meridiem.

*John Wheelwright* Esq; brought down the Report of the Committee of both Houses appointed to prepare a Letter to be sent to the Governour of *Connecticut*, Sign'd *William Tailer* in the Name of the Committee, Pass'd in Council, viz. In Council *June* 9th. 1724. Read and Ordered, That this Report of a Draft of a Letter to the Governour of *Connecticut* be Accepted. Sent down for Concurrence.

Read and Concurr'd, And that His Honour the Lieut. Governour be desired to Express the Letter to the Governour of *Connecticut* as soon as possible.

A Bill Entitled, *An Act for Limitation for quieting of Possessions*. Read a First Time.

An Accompt of *Edward Standbridge* Marshall of the Court of Admiralty, amounting to *l.60 18s. 10d.* for Sundry's Expended in Executing the Pyrates by Order of the Special Court of Admiralty lately held for their Tryal.

Read and Rejected, *Nemine Contradicente*.

*Daniel Oliver* Esq; brought down an Accompt of the Expences of the Honourable the Special Court of Admiralty, Sign'd *R. Holmes*, amounting to *l.24 16s.* pass'd in Council, viz. In Council *June* 9th. 1724. Read and Sent down.

Read and Rejected.

Voted, That Mr. *Wainwright* be added to the Committee appointed to prepare an Answer to Governour *Shute's* Second Memorial in the room of Mr. *Remington*, who is absent by Leave.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, viz.

On the Accompt of Major *Savage* for billeting sundry Soldiers in *Boston* for His Majesty's Service as entred the 5th. Currant, The Committee having Examined the within Accompt, find it right Cast, and well Vouch'd, are therefore of Opinion that the Sum of *l.31 8s.* be allowed and paid out of the publick Treas-



ury to *Habijah Savage* Esq; to discharge the same, in full. Read and Accepted, and

*Resolved*, That the Sum of *Thirty One Pounds Eight Shillings* be allowed and paid out of the publick Treasury to *Habijah Savage* Esq; the Accomptant in full Discharge of this Accompt. Sent up for Concurrence.

On the Accompt of *John Stoddard* Esq; for Pay and Subsistence for sundry Men that marched out to the Relief of *Northfield* upon an Alarm when the Indians attack'd that Town, *February 24th, 1723, 4.* the Soldiers being under the Command of Serj. *Joseph King*. The Committee having examined the within Accompt, sign'd by Col. *John Stoddard*, find it right Cast and mostly according to Establishment, are therefore of Opinion, that the Sum of *l.20 17s. 6d.* be allowed and paid out of the publick Treasury to *John Stoddard* Esq; to be by him repaid to the Persons to whom it is due, in full Discharge thereof. Read and accepted, And

*Resolved*, That the Sum of *Twenty Pounds Seventeen Shillings and Six Pence* be allowed and paid out of the publick Treasury to *John Stoddard* Esq; to be by him repaid to the Person or Persons to whom the same is due, in full Discharge of the within Accompt. Sent up for Concurrence.

On the Petition of *Jane Heard*, as entred the 3d. Currant, The Committee having Examined into the within mentioned Service of Mrs. *Jane Heard*, find it well Certified and Vouch'd, are therefore of Opinion that the Sum of *40s.* be allowed and paid out of the publick Treasury to Mrs. *Jane Heard*, in full discharge thereof.

Read and Accepted, and *Resolved*, That the Sum of *Forty Shillings* be allowed and paid out of the publick Treasury to Mrs. *Jane Heard* in full discharge of the within Accompt. Sent up for Concurrence.

On the Accompt of *John Day* Taverner, as entred the 30th. of *May*, The Committee having Examined the above Accompt, find it right Cast and charg'd according to Custom, are therefore of Opinion, that the Sum of *l.3 13s.* be allowed and paid out of the publick Treasury to the Accomptant *John Day*, to be by him repaid to the respective Persons to whom it is due in full discharge of said Accompt.

Read and Accepted, and *Resolved*, That the Sum of *Three Pounds Thirteen Shillings* be allowed and paid out of the publick Treasury to the Accomptant *John Day* to be by him repaid to the Person or Persons to whom the same is respectively due, in full discharge of the within Accompt. Sent up for Concurrence.

A Petition of Mr. *Jabez Dorman*, Representative of the Town of *Arundell*, setting forth that they are reduced to low Circumstances by reason of the distressing Indian War, and thereby rendred incapable of Supporting the Gospel



Ministry among them, praying the compassionate Consideration of this Court for Relief as in their wonted Goodness shall seem meet. Read, and [ 30 ]

*Resolved*, That in Consideration of the Towns of *Arundell* and *Biddeford* being reduced to low Circumstances by reason of the present Indian War, and sundry Soldiers being posted therein for their Security and Defence, and no Chaplain being allowed to the Forces there, the Sum of *Forty Pounds* be allowed and paid out of the publick Treasury to the Select Men of the Town of *Arundell* for the Supporting and Maintaining the Preaching of the Gospel at *Arundell* and *Biddeford*, The Gentleman that performs said Service to Preach alternately on the Lord's-Days at the Towns of *Arundell* and *Biddeford* if the Weather will permit.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a Clock.

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*Mercurij Die 10. Junij A. D. 1724.*

**A** Bill Entitled, *An Act for Apportioning and assessing a Tax of Fourteen Thousand Pounds.* Read a 3d Time, And *Resolved*, That the Bill do pass to be Enacted, Sent up for Concurrence.

A Petition of *James Watson*, *Samuel Hall*, and *Zerubbabel Eager*, praying Liberty for Purchasing a Tract of Land of the Indians at *Hassanimisco* with a Vote of Council thereon, as entred the 6th. Currant, and the House Concur with the Vote of Council thereon, and *Ordered*, That *William Dudley*, *John Chandler*, *Francis Fullam*, and *John Wainwright* Esqrs; or any three of them be joined with the Committee of the Board in the Affair.

A Bill Entitled, *An Act for Limitation of Quieting Possessions.* Read a Second Time.

An Accompt of Col. *Isaac Winslow*, amounting to 30s. for billeting four Men impressed into His Majesty's Service by Order of His Honour the Lieut. Governour, in their March from *Plymouth* to *Boston*, the 17th. and 18th. of *January* past.

Read, and *Resolved*, That the Sum of *Thirty Shillings* be allowed and paid out of the publick Treasury to *Isaac Winslow* Esq; in full discharge of the within Accompt. Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of Capt. *Samuel Wheelwright*, as entred the 8th Currant, The Committee find it right Cast and well Vouch'd by the said Captain's Oath, but whereas Mrs. *Jane Heard* is allowed *Forty Shillings* out of the publick Treasury for Service done by her for *Philip Browne* born on this Roll in curing a broken Arm, we think it proper that the Sum of *Forty Shillings* be deducted from what is due to the said *Philip Browne*, and also that the Sum of 29s. 6d. the neet Wages due to *Jonath. Dennison* be also deducted, he having Deserted the

Service, after which deductions, amounting to *l.3 9s. 6d.* the Committee are of Opinion that the Sum of *l.474 10s. 6d.* be paid out of the publick Treasury to the Officers and Soldiers born on this Roll, to whom the same is respectively due, in full discharge thereof.

Read, and Accepted, And

*Resolved*, That the Sum of *Four Hundred Seventy Four Pounds Ten Shillings and Six Pence* be allowed and paid out of the publick Treasury to the said Captain *Samuel Wheelwright*, the other Officers and Soldiers born on this Roll to whom the same is respectively due, in full discharge of this Muster-Roll, agreeable to the above Report. Sent up for Concurrence.

An Accompt sign'd *Daniel Powning*, amounting to the Sum of *l.123 17s. 2d.* for Charges in looking after the Powder-House in *Boston*, a Years Trouble for himself as Keeper of the same included, the Ballance of which Accompt being in his favour the Sum of *l.29 7s. 8d.* Read, And

*Resolved*, That the Sum of *Twenty Nine Pounds Seven Shillings and Eight Pence*, be allowed and paid out of the publick Treasury to Mr. *Daniel Powning*, in full Discharge of said Accompt, ending the 1st of this Instant *June*.

A Petition of *Stephen Barker* in behalf of sundry Inhabitants of *Haverhill*, &c. and parts adjacent, praying they may be erected into a Township for the Reasons in the Petition, as entred the 18th of December past, and referred to this Session, Read and referred to the next Fall Session for further Consideration, and that in the mean time the Petitioners serve the Town of *Haverhill* with a Copy of this Petition, that they may shew forth their Reasons, if any they have, on the 2d Wednesday of the said Session, why the Prayer of the Petition should not be Granted.

A Petition of *David Melvill* Keeper of His Majesty's Goal in *Boston*, praying [ 31 ] that the Prison Fees by Law stated may be raised, for the reasons mentioned in the Petition, with an Accompt of Charges of sundry Prisoners he has received into the said Goal, Criminals as well as others, praying some allowance for his Charges on them more then the stated allowance for such Prisoners. Read,

And the Question was put, *Whether the Prayer of the Petition should be Granted?*

It pass'd in the Negative.

Then the Question was put, *Whether any Allowance shall be made on the Accompt for the extraordinary Charges therein inserted?* It pass'd in the Negative.

A Petition and Accompt of *David Melvill* Keeper of His Majesty's Goal in *Boston*, praying the said Accompt being for keeping Thirteen Indian Captives, amounting to *l.110 15s.* may be allowed him out of the publick Treasury, and also that the Court would reconsider his last Accompt, and allow him the further Sum of *l.24 5s. 4d.* not yet allow'd him. Read and committed to the Committee for Petitions.

An Accompt sign'd *Roger Mitchell*, amounting to *l.9 13s. 4d.* for Four Weeks Attendance, Diet and Expences on Dr. *John Negus*, in his last Illness, who dyed in the Service of this Province. Read, and committed to the Committee for Petitions.

An Accompt of Dr. *George Jackson*, amounting to *l.34* for Medicines and Attendance on sundry Officers and Soldiers in His Majesty's Service Eastward. Read and committed to the Committee for Petitions.

An Accompt of *Bartholomew Green* for Paper and Printing for the General Court from *June 17th. 1723.* to *April 17th. 1724.* amounting to *l.15 1s.* Read, and

*Resolved*, That the Sum of *Fifteen Pounds & One Shilling* be allowed and paid out of the publick Treasury to Mr. *Bartholomew Green* the Accomptant, in full discharge thereof. Sent up for Concurrence.

An Accompt of *Bartholomew Green & Samuel Kneeland* for Paper and Printing the Journal of the House from *January 24th. 1723.* to *April 27th. 1724.* amounting to *l.32 12s. 6d.* Read, And

*Resolved*, That the Sum of *Thirty Two Pounds Twelve Shillings & Six Pence* be allowed and paid out of the publick Treasury to Messieurs *Bartholomew Green* and *Samuel Kneeland*, in full discharge of said Accompt.

Sent up for Concurrence.

Two Accompts of Charge of Mr. Sheriff *Winslow*, for sending sundry Proclamations, Precepts, &c. to the several Towns in the Province, sending Expresses, and sundry Disbursements in the Service of the Province.

Read and committed to the Committee for Petitions.

A Petition of *Daniel Ryann*, setting forth, that he was a Soldier in the Service of this Province Eastward, in the particular Company under the Command of Col. *Thomas Westbrook*, That in the Month of *April 1723.* he contracted the Distemper then prevailing in the Army, whereby he has lost the Use of his Limbs, and rendred incapable of making necessary provisions for his Support, praying the Consideration of the Court for Relief in the premises as to his distressed Circumstances, as to the Court shall seem meet.

Read, And the Question was put, *Whether the Prayer of the Petition should be Granted?* It pass'd in the Negative.

### Post Meridiem.

A Bill Entitled, *An Act for Granting unto His Majesty several Rates of Duties of Impost and Tunnage of Shipping.* Read a first Time.

An Accompt of *Sarah Negus*, for her Son *John Negus* his Service as Surgeon to the Forces Eastward, from the 25th. of *December* to the 29th. of *March* last past, amounting to *l.27 2s. 8d.* Read, And

*Resolved*, That the Sum of *Twenty Seven Pounds Two Shillings and Eight Pence* be allowed and paid out of the publick Treasury to the Legal Representative of the said *John Negus*, in full discharge of the above Accompt.

Sent up for Concurrence.

*Voted*, That *Capt. Epes*, *Mr. Plaisted*, and *Mr. Treasurer*, wait on *Mr. William Tailer* of *Lynn* to desire he would let them have such of the Muster-Rolls which may be lodged with him of the Forces on the late *Canada* Ex-  
[ 32 ] petition, Anno 1711. in Order for a Lists being taken, for their receiving *Fifty Shillings* each, in Lieu of the Bounty granted by Her Late Majesty Queen ANNE.

*Voted*, That *Mr. Shove*, and *Mr. Foster* be added to the Committee to consider of what Acts are near Expiring or Expired, in the room of some of that Committee who are absent with Leave.

A Message from the Board by *Nathaniel Byfield* and *Addington Davenport* Esqrs; That the Board have made Choice of a Committee for Muster-Rolls, and desire the House would joyn a Committee with them, that the Board were of Opinion that a Committee of both Houses on that Affair would very much Expedite the business of the Court, and save the Time the Board must otherwise have in Examining the Rolls before they pass on them for Payment.

A Petition of the Select Men of *Sherbourne*, shewing that *Ben. Twitchell* Jun. of *Sherbourne*, late a Soldier in His Majesty's Service Eastward, was Captivated by the Indians in *April* 1723. that the Wife of said *Twitchell* hath since removed out of said Town, and left behind her four Small Children without any subsistence for them, and the Petitioners have been obliged to bind out the Children, promising the Sum of *Five Pounds* to the Person that took the youngest, it being not Three Years old, that the said *Twitchell* left Money due to him from the Province for his Service before his Captivity, praying that the same may be paid to *Capt. Samuel Bullard* to be improved for the use of the said Children according to the discretion of the Petitioners, or to the said *Twitchell* if alive and should ever return from his Captivity. Read and

*Resolved*, That the Treasurer be and hereby is directed to pay to *Capt. Samuel Bullard* what Money shall appear to be due from the Province to the said *Benjamin Twitchell* on any Roll, agreeable to the Prayer of the within Petition. Sent up for Concurrence.

*Ordered*, That *Mr. Lewis* and *Mr. Stone* go up with a Message to the Honourable Board to acquaint them, that they have considered their Message for joining with a Committee of the Board for Examining Muster-Rolls, and the Vote being put, *Whether the House would joyn a Committee with them in that Matter?* It pass'd in the Negative.

*John Turner* Esq; brought down a Petition of *William Chase* and sundry others, in behalf of the Inhabitants of *Shewawmett*, praying they may be Erected



into a Township with an Addition to them to extend as far as *Metapoissett-River* there being no Order or Government among them, as they do not belong to any Town, and for sundry other Reasons in the Petition mentioned, passed in Council, *viz.* In Council *June* 10th. 1724. Read and *Ordered*, That *Nathaniel Byfield*, *Addington Davenport*, and *Melattiah Bourne* Esqrs; with such as the Honourable House of Representatives shall appoint be a Committee to consider of what is proper for this Court to do on this Petition. Sent down for Concurrence.

Read and Concurr'd, And *Ordered*, That Mr. *Stone*, Capt. *Williams*, Mr. *Torrey*, and Col. *Payne* be joyned with the Committee of the Board in the Affair.

An Accompt of Major *Gorham*, amounting to *l. 11 5s.* for billeting 15 Soldiers 15 days, at *12d.* per day in *January* last by Order of the Lieut. Governour, and delivered to Major *Savage* at *Boston*, as by his Certificate. Read and *Resolved*, That the Sum of *Eleven Pounds Five Shillings* be allowed and paid out of the publick Treasury to *Shubael Gorham* Esq; in full discharge of said Accompt.

Sent up for Concurrence.

*Nathaniel Byfield* Esq; brought down a Petition of the Town of *Tiverton*, praying that part of the Tax Granted and Ordered to be laid on and paid by that Town for the Year 1723. by the Great and General Court may be remitted and abated, for the reasons therein mentioned, pass'd in Council, *viz.* In Council *June* 10th. 1724. Read and Sent down. Read.

Then the House Adjourned 'till to Morrow Morning Nine a Clock.



# VOTES

## Of the House of Representatives.

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Jobis Die 11. Junij. A. D. 1724.

THE Precept sent to the Town of *Sandwich* to Choose a Representative in the room of the Honourable *Melatiah Bourne* Esq; lately Elected a Councillor for this Province, returned by the Select-Men of said Town, that they had Assembled the said Town pursuant to the said Precept, and that they had Chosen *Ezra Bourne* Esq; to represent them in the Great and General Court or Assembly.

*Voted*, That the said Choice is due and legal.

Col. *Chandler* from the Committee appointed to consider and report upon a Memorial of Col. *Partrigg*, with an Accompt of Pay and Subsistence for sundry Companies and Scouts which he Ordered to March out for the relief of *Northfield*, &c. as Entred the 30th. of *May* past, reported according to Order, *viz.* The Committee having examined the several Accompts relating to this Memorial, and heard what sundry of the Representatives of the County of *Hampshire*, as well as what Col. *Partrigg* had to offer thereon, are of Opinion that the Sum of *l.131 16s. 1d.* and no more, be allowed and paid out of the publick Treasury in full discharge of said Accompt, *viz.* On the Accompts marked No. 1, 2, 3, 4, 5, 6, 7, 8, 11. amounting in the whole to the Sum of *l.131 16s. 1d.* that the rest of the Accompts be dismissed.

Read and Accepted, And

*Resolved*, That the Sum of *One Hundred Thirty One Pounds, Sixteen Shillings and One Penny* be allowed and paid out of the publick Treasury to Mr. *John Dickinson*, to be by him repaid with the assistance of Col. *Partrigg* to the several Persons to whom the same is due in full discharge and satisfaction of the several Accompts referred to in the within Memorial. Sent up for Concurrence.

A Bill Entitled, *An Act for Granting unto His Majesty several Rates and Duties of Impost and Tunnage of Shipping.* Read a Second Time.

A Muster-Roll of the Company under the Command of several Serjeants at *Northfield*, *Deerfield*, and *Sunderland*, soon after the Enemy attack'd *Northfield*, taken and sign'd by Col. *Partrigg.* Read and committed to the Committee for Muster-Rolls.

An Accompt of *Edward Bray*, amounting to *l.10 16s.* for Dyet and Attendance on *John Green* a wounded Soldier in the Service of the Government, from *Feb. 7th.* past to this time. Read, And

*Resolved*, That the Sum of *Ten Pounds Sixteen Shillings* be allowed and paid

out of the publick Treasury to *Edward Bray* the Accomptant, in full discharge thereof.

Sent up for Concurrence.

An Accompt of *Joseph Carpenter* for conducting and billeting 16 Soldiers from *Taunton* to *Boston*, being 4 Days, amounting to *l.3 4s*. Certified by Col. *Henry M.<sup>c</sup>intosh*. Read and Resolved, That the Sum of *Three Pounds Four Shillings* be allowed and paid out of the publick Treasury to the Accomptant *Joseph Carpenter* in full discharge thereof. Sent up for Concurrence.

*Thomas Palmer* Esq; brought down a Muster-Roll of the Company in His Majesty's Service under the Command of the Hon. *William Dummer* Esq; Lieut. Gov. Captain at the Castle, pass'd in Council, *June 11th. 1724*. Read and Sent down.

Read and committed to the Committee for Muster-Rolls. [ 34 ]

A Muster-Roll of the Company in His Majesty's Service, under the Command of Capt. *Joseph Kellogg* of *Suffield*.

Read and committed to the Committee for Muster-Rolls.

An Accompt of Capt. *Jonathan Wells* for himself and sundry Soldiers in Scouting from the 22d. day of *August* to the 11th. day of *January* last past.

Read and committed to Col. *Chandler*, Mr. *Payne*, and Mr. *Foster*, to consider of this Accompt, and Report thereon.

A Petition of Capt. *Joseph Eaton* of *Salisbury*, praying that this Court would please Charitably to remit and release to him the Sum of *Forty Pounds*, so much due to the Commissioners for Letting out the *l.50,000* Loan, upon a Mortgage he made to them of part of his Lands, for the Reasons mentioned in the Petition.

Read, And the Question being put, *Whether the Prayer of the Petition should be Granted?* It pass'd in the Negative.

Col. *Chandler* from the Committee for Petitions, Reported on the Petition of *Hugh Pike* of *Newbury*, as entred the 4th. Currant, viz. The Committee are of Opinion, that the Sum of *Fifteen Pounds* be allowed and paid out of the publick Treasury to *Hugh Pike* for his Support, *Anno 1722*, it appearing to the Committee he had no Allowance made him for said Year. Read and Accepted, And

Resolved, That the Sum of *Fifteen Pounds* be allowed and paid out of the publick Treasury to *Richard Kent* Esq; for the use of the Petitioner, he having had no Allowance made him for his Support *Anno 1722*.

Sent up for Concurrence.

## Post Meridiem.

*Whereas there are and hath been sundry Companies and small Parties of Soldiers, under the Care of Serjeants, employed in His Majesty's Service in the County of Hampshire, for the Defence and Security of the same, and no Officer Commissionated and impowred to have the Chief Command over them, but they have been in separte and independent Parties from each other, and are subsisted by the Inhabitants there, and sundry inconveniencies and difficulties have been experienced for want of some proper Attestation of the Services performed by the said Parties, when their Rolls and Accompts have been presented to this Court for Payment. For the preventing the like for the future.*

*Resolved*, That all Rolls and Accompts for Pay and Subsistence of any of the Forces in the County of *Hampshire*, shall be presented to——— for their Audit and Examination, and that no Roll or Accompt of Subsistence from that County shall be allowed or paid from and after the first Day of *September* next, other than such as have been examined as aforesaid, and certified by the said——— or any two of them, that the Persons inserted in the Rolls, have been in the Service the whole time they stand entred therein, and that their Subsistence is accordingly due. And that *John Stoddard Esq; Mr. Thomas Hastings of Hatfield*, with such other Person as shall be appointed by the Honourable Board, be and hereby are fully Authorized and Impowred to make such Examination and Certificate as aforesaid.

Sent up for Concurrence.

A Bill Entitled, *An Act for Granting unto His Majesty several Rates and Duties of Impost and Tunnage of Shipping.* Read a Third Time, And

*Resolved*, That the Bill do pass to be Engross'd.

Sent up for Concurrence.

*Ordered*, That *Mr. Edward White* go up with a Message to the Honourable Board to acquaint them that the House propose to Morrow Afternoon to go upon the Choice of Civil Officers, and desire the Board to joyn with them in the Choice. Who returned he had delivered the Message.

A Petition of the Towns of *Taunton, Norton, Dighton*, and *East Norton*, or *North East Precinct*, praying that the said Towns with such others as are willing to joyn [ 35 ] with them may be separed from the County of *Bristol*, and made and erected into a New County, and that *Taunton* be the Shire Town thereof, for the reason given in the Petition. Read and referred to the next Session for further Consideration, And that in the mean time the Town of *Bristol*, and all the other Towns of the County of *Bristol*, together with *Middleborough* and *Taunton-Precinct* be served with a Copy of this Petition, that they may shew Cause, why the prayer of the Petition should not be Granted.

*Isaac Winslow Esq;* brought down a Petition of *Henry Mellen* in the Name

and on the behalf of the Inhabitants of *Hopkinton*, praying that the necessary Charges arising within and for the said Town, may be raised for such time as this Court shall please to Order the one half on the Polls and Estates lying and being in said Town according to the General Rules of Assessment prescribed by Law, the other half on the wild and uncultivated Lands in said Town belonging either to the Residents or Non-Residents therein, for the Reasons therein mentioned, excepting only the Lands in the Hands of the Trustees of the Legacy of *Edward Hopkins* Esq; pass'd in Council, *viz.* In Council *June 11th. 1724.* Read and *Resolved*, That the Inhabitants of the Town of *Hopkinton* be and hereby are impowred to assess and levy all the necessary Charges arising in and for the said Township of *Hopkinton* for and during the Term of *Five Years* next coming, in manner following, *viz.* One moiety or half part thereof upon the Polls and Estates lying and being in the said Town, according to the General Rules of Assessment prescribed in the Law, and the other Moiety thereof upon all the wild and uncultivated Lands in the said Town lying in the Hands of the Resident and Non Resident Proprietors (Lands lying in the Hands of the Trustees of Mr. *Hopkins's* Legacy excepted) Any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. Read and Concurr'd.

An Accompt of Capt. *John Ashley*, amounting to *l.5 12s.* for Charges he paid in the Service of this Province to sundry Persons as by said Accompt expressed.

Read and *Resolved*, That the Sum of *Five Pounds Twelve Shillings* be allowed and paid out of the publick Treasury to Capt. *John Ashley* in full discharge of the above Accompt. Sent up for Concurrence.

An Accompt of sundry Persons employed by Order of Col. *Samuel Partrigg*, in Scouting at *Westfield*, Anno 1723. Attested by Capt. *John Ashley.* Read, and after a Debate had thereon, the Question was put, *Whether the Accompt should be allowed and paid out of the publick Treasury?* It pass'd in the Negative.

Then the House Adjourned till to Morrow Morning Nine a Clock.

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### Veneris Die 12. Junij A. D. 1724.

**I**Nasmuch as all the Towns in the County of York, are Frontiers, and lie very much exposed to the Insults and Depredations of the Indian Enemy, and therefore require help and assistance for their Defence and Security, And whereas many Men have been detached from those Towns, and many more exchanged and inlisted in the room of other Men sent down to those Parts, whereby that County instead of being strengthened is very much weakned, and not in so good a Capacity to resist or pursue the Enemy,

*Voted*, That a Message be sent to His Honour the Lieut. Governour and



Commander in Chief, that it is the earnest desire of this Court that the Inhabitants of the County of *York*, be no longer detained in the Pay of the Government, but that they may be released, and other able effective Men posted in their rooms, and that the Lieut. Governour would give strict Orders, that none of the Men of that County be for the future either detached or inlisted into the Service, excepting only on any sudden Emergency or Attack, or Two Pilots out of each Town, where there are Scouting Parties.

Sent up for Concurrence. [ 36 ]

A Petition of *Thomas Fayerweather*, as entred the 9th of *August*, and 13th of *December* past, and referred to this present Session. Read, and the Question was put, *Whether the Prayer of the Petition should be Granted?*

It pass'd in the Negative.

A Bill Entitled, *An Act of Limitation for Quieting of Possessions.*

Read a Third time, and *Resolved*, That the Bill do pass to be Engross'd.

Sent up for Concurrence.

Col. *Chandler* from the Committee for Petitions, Reported on the Petition of sundry of the Inhabitants of the Town of *Dedham*, near the Old Saw-Mill, Sign'd *William Robbins*, *Joshua Clap* and others, as entred the 2d. Currant The Committee are of Opinion that some suitable Persons at the Charge of the Petitioners, be appointed by this Court to repair to *Dedham*, view the Land Petitioned for a Township, and report their Opinion to this Court at their next Session, what they think proper to be done relating to this Petition. And inasmuch as the Petitioners expressed their desires to this Committee that a suitable Place might be assigned whereon to Erect a Meeting-House, The Committee are humbly of Opinion, that if the Persons who may be appointed to view said proposed Township be directed to propose or state a suitable Place for the same, it may prevent Trouble and Charge for the future. Read and Accepted, And

*Voted*, That Mr. Speaker, Col. *Spurr*, and Major *Quincy*, with such as the Honourable Board shall appoint be a Committee to repair to the Lands Petitioned for to be Erected into a Township, and view the same, and report their Opinion to this Court at their next Session what may be proper to Order thereon. Sent up for Concurrence.

A Petition of *Joseph Jones*, setting forth that he was the first Discoverer of the Counterfeited *Ten Shilling* Bills found upon and in the Custody of *John Michael Kent*, who was committed to His Majesty's Goal in *Boston* for said Fact, and has since broken Goal, praying he may be allowed the Sum of *l.25* out of the publick Treasury for his good Services therein, for the reasons mentioned in the Petition.

Read and committed to the Committee for Petitions.

A Petition of *Samuel Willard* of *Lancaster*, shewing that an Estople was laid



on his Wages by this Court, for his Service as Serjeant of a Scout belonging to a Company of Col. *Joseph Buckminster*, in the Service of the Province Anno 1722. praying that the Sum of *Eight Pounds Fifteen Shillings & Three Pence* so much stopt as aforesaid, may be allowed him out of the publick Treasury, for the reasons therein mentioned.

Read and committed to the Committee for Muster-Rolls.

A Petition of *Peter Luce, James Leblond, Thomas Lethred, Henry Barlow*, and sundry others, Merchants, and Masters of Ships, &c. setting forth that they are exposed to and labour under many Inconveniencies and Difficulties in and by an Act or Law of this Province made and pass'd in the Eighth year of His present Majesty's Reign, Entitled, *An Act in Addition to an Act directing the Admittance of Town Inhabitants, made and pass'd in the Nineteenth Year of the Reign of King William the Third*, Praying this Court would take the Premises into their just and wise Consideration, and afford them such Relief as in their Wisdom shall seem meet.

Read and Sent up. [ 37 ]

A Petition of *Hilkiah Boynton of Rowley*, shewing that he was in His Majesty's Service and Pay of this Province from *September 18th. 1721, to March 29th. 1722.* under the Command of Capt. *Johnson Harman*, and that the said *Harman* has cut him short of what was his due for Service as by the Muster-Rolls will plainly appear, and complaining of sundry other wrongs and frauds imposed on him by the said *Harman*, as is particularly inserted in the Petition, praying for Relief.

Read.

An Accômt of Capt. *John Ashley*, amounting to 12*s.* for waiting upon Col. *Schuyler* and the Delegates when they came to *Boston*. Read, and

*Resolved*, That the Sum of *Twelve Shillings* be allowed and paid out of the publick Treasury to Capt. *John Ashley* in full discharge of this Accômt.

Sent up for Concurrence.

A Memorial of Capt. *Joseph Heath*, praying he may be allowed to receive Captains Wages for his Services to this Province, having had, besides the 25 Men to which the Garrison at *Richmond* was reduced by a Resolve of this Court, 27 other Soldiers under his Care for a considerable time, as by the Certificates to the Memorial annexed appears, Read, and

*Resolved*, That the said Capt. *Joseph Heath* be Entitled to Captain's Pay, and that he charge the same accordingly in the next Muster-Roll he presents to this Court for Allowance. Sent up for Concurrence.

*Voted*, That a Message be sent up to the Honourable Board to desire the Impost Bill may be sent down.

*Edward Bromfield Esq;* brought down the said Bill: Which being Read with the Alteration of one Word by the House, *Ordered*, That the said Bill be sent up again by Mr. *Edward White*.

A Memorial and Representation of *John Chandler* Esq; on behalf and by Direction of the Town of *Sutton*, praying that the Farms commonly called *Waters's & Riches* Farms, and also the Farms late belonging to the Honourable Col. *Hutchinson* and *Addington Davenport* Esqrs; and to Mr. *Collins*, all or most of them lying within the Bosom of the Bounds of the Township of *Sutton*, may (agreable to the Votes of the Town, and at the desire of the Inhabitants of said Farms) be annexed to, and determined to belong to the said Town of *Sutton*, and may have and enjoy equal Priviledges with the rest of the Inhabitants of said Town, for the reasons mentioned in said Memorial, any former Act or Order of this Court respecting *Waters* or *Riches* Farms notwithstanding.

Read, and

*Ordered*, That the Farms commonly called *Hutchinson's* Farm, *Davenport's* Farm, *Taylor's* Farm, and *Collin's* Farm, lying Adjacent to the Town of *Sutton*, be annexed to the Town of *Sutton*, the Inhabitants of said Farms to have and enjoy equal Priviledges with the Inhabitants of *Sutton*, and to do Duty with them accordingly: Any former Act of this Court to the contrary notwithstanding. Sent up for Concurrence.

Mr. Speaker from the Committee appointed to take under Consideration Governour *Shute's* Second Memorial, as entred the 3d Currant, made Report thereon according to Order. Read.

A Petition of the Town of *Sudbury*, praying that the Committee appointed by this Court in their present Session may be altered, and that they may be relieved in several other Matters respecting the Meeting-House in said Precinct, for the reasons therein given. Read, and committed to Mr. *Daniel Pierce*, Mr. *Cushing*, Mr. *Torrey*, Mr. *Shove*, and Mr. *Prescott*, to consider and report their Opinion of what is proper for this Court to Order thereon. [ 38 ]

### Post Meridiem.

*Voted*, That Mr. *Clark* be added to the Committee for Petitions in the room of Col. *Payne*, who is absent by Leave.

*Voted*, That a Message be sent up to the Honourable Board, to enquire if they are ready to go upon the Choice of Civil Officers. Sent up by Mr. *Lewis*.

Mr. *Lewis* from the Committee for Muster-Rolls, reported on the Muster-Roll of the Company in His Majesty's Service at Castle *William*, under the Command of the Honourable *William Dummer* Esq; Lieut. Governour, Captain, as entred the 11th. Currant, viz. The Committee having Examined the within mentioned Roll, Sign'd by His Honour the Lieut. Governour, find it right Cast and well Vouch'd, and according to Establishment, by the Oath of Lieut. *Larrabee*, are therefore of Opinion, that the Sum of *l.587 7s. 5d.* be paid out of the publick Treasury to the several Officers and Soldiers born on this Roll, to

whom it is respectively due in full discharge thereof. Read and Accepted,  
And

*Resolved*, That the Sum of *Five Hundred Eighty Five Pounds Seven Shillings and Five Pence* be allowed and paid out of the publick Treasury to the Honourable *William Dummer* Esq; the other Officers and Soldiers born on the within Roll, to whom the same is respectively due, in full discharge of the Wages due on the same. Sent up for Concurrence.

On the Accompt of Lieut. *John Larrabee* for Victualling the Garrison at His Majesty's Castle *William*, from *December* 31st. 1723, to *May* 25th. 1724. both days included, Examined by Mr. Treasurer *Allen*. Also an Accompt of Disbursements of the said *Larrabee* for the use of His Majesty's said Garrison, amounting to 40s. 6d. The Committee having Examined the before mentioned Accompt, find it right Cast and according to Establishment, are therefore of Opinion that the Sum of 36s. 4d. be allowed and paid out of the publick Treasury in full, with 40s. 6d. for sundrys disbursed by said *Larrabee*, which makes in the whole 76s. 10d. and is in full thereof. Read and Accepted, And

*Resolved*, That the Sum of *One Pound Sixteen Shillings & Four Pence* being the ballance of the Accompt of Victualling, together with *Forty Shillings & Six Pence*, so much advanced and disbursed by the said *Larrabee* for the use of the Garrison, making in the whole the Sum of *Three Pounds Sixteen Shillings & Ten Pence* be allowed and paid out of the publick Treasury to Lieut. *John Larrabee* in full discharge of the said Accompts. And further to enable the said *Larrabee* to Victual the said Garrison according to the Establishment of the Court made the 20th. of *December* past, It is further *Resolved*, That Mr. Treasurer be and hereby is directed to pay and advance to Lieut. *John Larrabee* Six Months pay for Victualling said Garrison according to said Establishment, taking Security from him for the true and faithful Expence thereof. Sent up for Concurrence.

An Accompt of Dr. *George Pemberton*, amounting to *l.42 6s. 6d.* for sundry Medicines internally and externally administred to the Sick and Wounded at Castle *William*. Read and committed to the Committee for Petitions.

An Accompt of *John Flagg* for going on sundry Expresses, and an Accompt of Disbursements in the Service of the Province, amounting in the whole to the Sum of *l.8 14s.* Read and committed to the Committee for Petitions.

*Ordered*, That a Message be sent up to the Honourable Board by Capt. *Kent*, to Enquire if they have pass'd on the Resolve for the Supply of the Treasury.

A Message from the Board by *Isaac Winslow* Esq; that they are ready to proceed to the Choice of Civil Officers, and first to begin in the Choice of a Province Treasurer.

*Voted*, That Mr. *Wainwright*, Mr. *Oulton*, and Major *Quincy*, be a Committee

to carry up the Votes of the House, assist in sorting and numbring them with the Votes of the Honourable Board, and make report of the several Choices that shall be made.

The said Committee carried up the Votes for a Province Treasurer, and reported that *Jeremiah Allen* Esq; was chosen by a great majority of the Votes. [ 39 ]

The said Committee carried up the Votes for a Commissioner of Impost, and reported, that Mr. *Daniel Russel* was unanimously chosen.

The said Committee carried up the Votes for an Attorney-General, and reported, that *John Read* Esq; was chosen by a major part of the Votes.

The said Committee carried up the Votes for Two Notary's Publick for the Port of *Boston*, and reported, that Messieurs *Joseph Hiller & Samuel Tyley* were chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Salem*, and reported, that *Stephen Sewall* Esq; was chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Newbury*, and reported, that Mr. *Stephen Jaques* Jun. was chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Plymouth*, and reported, that Capt. *John Dyer* was chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Bristol*, and reported, that Capt. *William Throop* was chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Kittery*, and reported, that Mr. *John Newmarch* Jun. was chosen.

Then the House Adjourned 'till to Morrow Morning Nine a Clock.

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**Sabbati Die 13. Junij A. D. 1724.**

**A**N Accompt of Mr. Secretary *Willard*, amounting to *l.46 11s.* for Transcribing the Records of the General Court from the 10th. day of *March* 1702. to the end of the Session held *May* 29th. 1706. and from the 4th. day of *June* 1719. to the beginning of the Session held *May* 25th. 1720. with Two Tables, by Order of the Court. Read and committed to Mr. *Clark* and Mr. *Lewis* to examine the same and compare it with the Records therein referred to, and report their Opinion thereon.

*William Tailer, Samuel Sewall, Addington Davenport, and John Clark* Esqrs; brought down an humble Address of the Corporation of *Harvard-Colledge* in *Cambridge*, shewing, that whereas it hath pleased GOD in His Holy Providence to remove by Death the late Worthy President Mr. *John Leverett*, and his Mansion House and Homstead being speedily to be offered to Sale, as the said Corporation is informed, and the said House and Lands lying contiguous to the



*Colledge* Lands, praying that this Court would purchase the same, to be the Seat and Habitation of the Presidents of *Harvard-Colledge* in times to come, for the reasons mentioned in the said Address, pass'd in Council, *viz.* In Council *June* 12th. 1724. Read and sent down recommended. Read.

A Petition of *Hannah Banks* Indian, shewing that she bought of *Eleazer Robbins* of *Groton* his Servant Man's Time, and gave a Bond of *l.15* for Payment of the same, that afterwards she married the said Servant Man, who is since absconded, and the said *Robbins* hath put the said Bond in Suit, and cast the Petitioner into Prison in *Boston*, that the Principal Debt with the Charges hath arisen to *l.25* which Mr. *Edward Ruggles* of *Roxbury* hath paid for her, praying this Court would please to enable the said *Edward Ruggles* to Sell such a part of her Land in *Natick*, as will satisfy him for his advance of said *Twenty Five Pounds*.

Read and committed to the Committee for Petitions.

Mr. *Stone* from the Committee appointed to prepare a Bill in further Addition to the *Act for the better Observation of the Lord's-Day*, made Report that they had prepared a Bill accordingly, which he laid on the Table.

A Bill Entitled, *An Act in further Addition to the Act Entitled An Act for the better Observation and Keeping the Lord's Day, made and pass'd by the Great and General Court or Assembly at a Session held at Boston, October 12th. 1692. in the Fourth Year of the Reign of their late Majesties King William and Queen Mary.* Read a First Time. [ 40 ]

Mr. *Daniel Pierce* from the Committee appointed to consider of the Petition of the Town of *Sudbury* respecting the East Precinct in said Town as entred Yesterday, made Report thereon, *viz.* The Committee are of Opinion that a Committee of the East Precinct in *Sudbury* shall be chosen in a Precinct Meeting legally warned for that purpose, pursuant to the Order of this Court bearing date the 29th. of *May* past, and be directed and ordered to take and use all the Timber of the Old Meeting-House, fit and suitable for the Work, and all the other Materials already provided by the Towns Committee if the same be good, and the Price be not above the common Market, and also that they be directed to Employ the Workman treated with by said Towns Committee, provided that he will do the Work as Cheap as another Man. Read, and

*Voted*, That this Report be accepted, and that it be in Force accordingly, and complied with. Sent up for Concurrence.

*Nathaniel Byfield* Esq; brought down the Vote of the House of the 30th. of *May* past, about a Chaplain for the Garrison above *Northfield*, pass'd in Council, *viz.* In Council *June* 13th. 1724. Read and Concurr'd with the Amendments. dele, the first *Mr.* and add, *Dr.* — and between the words—*Ability*—



and — *to be employed*, — add — *to be presented to His Honour the Lieut. Governour in Order* —

Sent down for Concurrence.

Read and Concurr'd.

*Paul Dudley Esq*; brought down a Letter His Honour received this Morning from Governour *Saltonstall*, Dated *New-London*, *June 11th. 1724.* Read.

Then the House Adjourn'd till Monday next Three a Clock Afternoon.

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B O S T O N: Printed by **Bartholomew Green** and **Samuel Kneeland**,  
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# VOTES

## Of the House of Representatives.

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Lunæ Die 15. Junij, A. D. 1724.

**M**elatiah Bourn Esq; brought down the Resolve for Supply of the Treasury, and the Impost Bill.

The Resolve for Supply of the Treasury, pass'd in Council, *viz.* In Council June 13th. 1724. Read and Concurr'd with the Amendments, *viz.* between the words — *hereby is* — and — *directed*, add — *Impowred and — under the Hand of the Lieutenant Governour*, dele *Lieutenant — in this Act hereafter expressed* — dele *Act* and add *Resolve*.

Sent down for Concurrence. Read and Concurr'd.

The Bill Entitled, *An Act for Granting unto His Majesty several Rates and Duties of Impost and Tunnage of Shipping*, pass'd in Council *viz.* Read Three several Times, and pass'd a Concurrence with the Amendments.

Sent down for Concurrence. Read and Concurr'd.

A Muster-Roll of the Company in His Majesty's Service under the Command of Serj. *Allason Browne of Arundel*. Read and committed to the Committee for Muster-Rolls.

Col. *Chandler* from the Committee appointed to prepare a Vote for Establishment of the Pay of Expresses in the Service of the Government, reported according to Order, which was Read and Accepted, and thereupon

*Resolved*, That there be allowed and paid out of the publick Treasury for Expresses dispatched or that may be dispatched for the Service of the Province, for Man, Horse, and Expences, after the rate of *Six Pence per Mile* out, and no more, of which *Two Pence per Mile* is to be allowed for the Horse, and if an Answer be necessary, such further Allowance shall be made as may reasonably defray the Time and Expence of waiting for the same, not exceeding *Six Shillings per Diem*, and that no Person be Entitled to the Reward of the Service abovesaid, unless he or they produce a Certificate under the Hand of a proper Officer of the Service performed, and the number of Miles Travelled. Sent up for Concurrence.

The Report of the Committee appointed to prepare an Answer to Governour *Shute's* Second Memorial, Read again, and the House debated thereon Article by Article, and Accepted them with some Amendments, and after having gone through the same, Upon a Motion made, the Question was put, *Whether the House would Accept the said Report as Amended?*

*Resolved* in the Affirmative.

*Penn Townsend* Esq; brought down the Report of the Committee for the

better Security and Defence of the Western Frontiers, pass'd in Council, viz. In Council *June* 13th. 1724. Read and Ordered that this Report be Accepted.

Sent down for Concurrence.

*John Clark* Esq; brought down a Letter from Col. *Stoddard* to His Honour the Lieut. Governour, Dated *Albany June* 12th. 1724. which His Honour thought proper to Communicate. [ 42 ]

*Daniel Oliver* Esq; brought down a Petition of *John Usher* Esq; praying that this Court would order a Mortgage of his Estate to be Cancelled, whereon is due *Seven Hundred Pounds*, Principal and Interest thereon, being for *Five Hundred Pounds* Principal hired of the Trustees of the *l.50,000* Loan, which the Petitioner is willing to allow out of what he says he has formerly advanced in the Service of this Government, as particularly set forth in the said Petition, pass'd in Council, viz. In Council *June* 15th. 1724. Read and Sent down.

Read and Sent up.

Then the House Adjourned till to Morrow Morning Nine a Clock.

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**Martis Die 16. Junij A. D. 1724.**

**V**oted, That Mr. *Clark*, Capt. *Pepperell*, Capt. *Kent*, and Capt. *Nowell*, with such as the Honourable Board shall appoint, be a Committee to take under Consideration the state of the War, and to project some Effectual Methods for the more vigorous Prosecution of the same, and report their Opinion of what is further necessary to be done for the better Security and Defence of the Eastern Frontiers, and that the several Complaints and Papers which relate to the Conduct of the Officers in those Parts be committed to them for their Information herein, the Committee to sit forthwith, and to make Report as soon as possible.

Sent up for Concurrence.

A Petition of Lieut. *Joseph Beane*, shewing that he has served as Pilot to sundry Parties and Scouts of the Forces Eastward, praying he may be allowed Pilots or Lieutenants Pay for such his Services, for the reasons given in the Petition.

Read and committed to the Committee for Petitions.

A Bill Entitled, *An Act in further Addition to the Act Entitled, An Act for the better Observation and Keeping of the Lord's Day, made and pass'd by the Great and General Court or Assembly at a Session held at Boston, October 12th. 1692. In the fourth Year of the Reign of their late Majesties King William and Queen Mary.*

Read a Second Time.

A Petition of *William Whiting* and *John Ashley* Esqrs; and their Partners, shewing that upon the Settlement of the Line between this Province and the

Colony of *Connecticut*, the Governours and Commissioners of the respective Governments appointed for settling said Line, did allow and approve of a certain claim of Land of about Six Miles Square, adjoining to *Westfield*, *Suffield*, and *Simsbury* to one *James Cornish* and his Heirs, that about Nineteen Thousand Acres of said Land lyes within this Province, which the Petitioners and Partners about Twenty-five in Number have purchased of said *Cornish* in Fee Simple, praying that the said Nineteen Thousand Acres with an Additional Grant that this Court would please to make them, to make a Tract of Seven Miles Square, may be Erected into a Township, agreeable to a Plan Exhibited with the Petition, for the reasons therein mentioned. Read and referred to the next *May* Session for further Consideration.

Mr. *Lewis* from the Committee for Muster-Rolls reported, *viz.*

On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Samuel Wright* Lieut. The Committee find it right Cast and Vouch'd by the Oath of the said Capt. *Wright*, are therefore of Opinion that the Sum of *l.883 6s. 6d.* be paid out of the publick Treasury to the Officers and Soldiers born on this Roll, and to those that Subsisted them, in full discharge thereof, deducting what has been supplied by the Treasurer for Subsisting them.

Read and Accepted, And

*Resolved*, That the Sum of *Six Hundred Pounds Seventeen Shillings & Eleven Pence* be allowed and paid out of the publick Treasury to Capt. *Samuel Wright*, the other Officers and Soldiers born on the within Roll, in full discharge of the Wages thereof, as the same is respectively due, and that the further Sum of *Two Hun-* [ 43 ] *dred Eighty Two Pounds Eight Shillings & Seven Pence* be allowed and paid out of the publick Treasury to the said Capt. *Samuel Wright* to be by him repaid to the Person or Persons that have Subsisted the said Men, first deducting what the Treasurer has supply'd or advanc'd for Subsistence for them, in full discharge thereof.

Sent up for Concurrence.

On the Muster-Roll of the Sloop *Merry Meeting* *Thomas Sanders* Master, being a Transport in his Majesty's Service Eastward, The Committee having examined the same, find it right cast and well vouched by the said *Sanders*, and according to Custom, are therefore of Opinion that the Sum of *l.243 15s.* be paid out of the publick Treasury to the said *Thomas Sanders* to be by him paid to the respective Persons to whom it is due for Wages and hire of said Sloop in full discharge thereof. Read and Accepted. And

*Resolved*, That the Sum of *Two Hundred Forty Thre Pounds Fifteen Shillings* be allowed and paid out of the publick Treasury to the said *Thomas Sanders* to be by him paid to the respective Persons to whom it is due in full discharge of the Wages and Sloop hire thereof.

Sent up for Concurrence.

Col. *Chandler* from the Committee for that Service appointed, reported,

On the Accompt of Capt. *Jonathan Wells* as entred the 11th Currant, The Committee are of Opinion, that the Sum of *l.59 6s. 8d.* and no more be allowed and paid out of the publick Treasury to Capt. *Thomas Wells* to discharge the Wages and Subsistence due on this Accompt, the Horses and their Subsistence not being a proper Article, nor Capt. *Jonathan Wells's* Subsistence.

Read and Accepted. And

*Resolved*, That the Sum of *Fifty-nine Pounds Six Shillings and Eight Pence* be allowed and paid out of the publick Treasury to Capt. *Thomas Wells* to be by him repaid to the Persons to whom the same is respectively due in full discharge of the whole Wages and Subsistence charged as on the other side.

Sent up for Concurrence.

*Thomas Palmer* Esq; brought down the Petition of *William Chace* and others Inhabitants of *Shewawmett*, praying as entred the 10th Currant, with the Report of the Committee of both Houses thereon, Signed in the Name and by Order of the Committee, *Nathaniel Byfield*.

Passed in Council, *viz.* In Council, *June 16. 1724.* Read and Ordered, That this Report be accepted, and that Capt. *William Throop* with such as the Honourable House of Representatives shall join be a Committee fully impowered to act in the Affairs of *Shewawmett* as aforesaid. Sent down for Concurrence.

Read and concurred with the Amendment, (*viz.* That the Petition be referred to the next Fall Session) and that *Nathaniel Payne* and *Thomas Terrey* Esqrs; be added to the Committee of the Board for the Affair abovesaid.

Sent up for Concurrence.

The Petition of *Timothy Sprague* of *Malden* Miller with the Vote of Council thereon, as Entred the 5th. Currant. Read. And the said Vote of Council was Concurr'd, with the Amendment, *viz.* dele *September*, and add *August*.

Sent up for Concurrence by Mr. *Phillips*.

With a Message to Enquire if the Board have pass'd on the Vote of the House that the Inhabitants of the County of *York* may be dismissed from and not entred or retained in the Pay of the Province, Sent up the 12th. Currant.

An Accompt of *John Stebbins* for going Express to *Connecticut*, for his own Time, Expences and Horses Journey, amounting to *l.7 5s.* Read and committed to the Committee for Petitions.

A Letter sign'd *Timothy Dwight*, dated *May 18. 1724.* from the Block-House above *Northfield*, directed to His Honour the Lieut. Governour, setting forth that it is necessary some Supply's and Slops, &c. be sent to the Block-House there, for the Indians, as particularly enumerated in said Letter, pass'd in Council, *viz.* In Council *June 15th. 1724.* Read and Ordered, That the consideration of the Demands of the Indians set forth in this Letter be referred to the Committee appointed to consider of the Defence for the Western Frontiers.

Sent down for Concurrence. Read and Concurr'd. [ 44 ]

An Accompt of *John Pell*, for going on sundry Expresses in the Service of this



Province, amounting to *l.20 10s.*  
for Petitions.

Read and committed to the Committee

*Charles Frost* Esq; brought down the following Message from the Board, *viz.* In Council *June 16. 1724.* *Ordered,* That a Message be sent down to the Honourable House to acquaint them that the *Tiverton* People are now attending this Court according to Order, and the Board propose to hear them at Four of the Clock in the Afternoon, if the House are ready, and in the mean time the Board desire to know what is done on the Petition of the Inhabitants of *Tiverton*, Sent down with a Message the Tenth Instant.

*Ordered,* That *John Chandler* Esq; go up with a Message to the Honourable Board to inform them that the House have referred the Petition of *Tiverton* to this Day, and that the House will be ready to attend the Hearing appointed to be had this Day on the Affair of *Tiverton* at Four of the Clock in the Afternoon.

*Melatih Bourn* Esq; brought down a Petition of *Ephraim Angier, Francis Bowman* and *Ruth Bowman*, Executors of the last Will and Testament of the late Revd. Mr. *Samuel Angier* deceased, shewing that the Westerly Precinct of the Town of *tertown* was indebted to the said deceas'd's Estate for his Service in the Ministry, in the Sum of *l.109 18s. 7d.* as by their Petition to this Court as entred the 17th. of *December 1722* appears, notwithstanding the Order the Court was then pleased to take, the said Precinct have not been cause to pay the said Sum, praying this Court would please to put the matter to a final issue, and to enable them in their said Capacity to recover what is their just due, Pass'd in Council, *viz.* In Council *June 16th. 1724.* Read and *Ordered,* That this Petition be committed to the former Committee, and that they be desired to make enquiry who of the Collectors of the Sallary of the late Mr. *Angier* have received any part of the said Sallary, which they have not paid, and what particular Persons are in Arrears to his Estate, and in what Sums, and that they consider and report upon the whole what they think proper for this Court to do for the Relief of the Petitioners. Sent down for Concurrence.

Read and Concurr'd.

*Joseph Hammond* Esqr; brought down a Petition of *Timothy Leyland*, and *Thomas Marshall* a Committee of the Westerly part of *Sherbourne*, praying that the said Town may not be obliged to levy a Tax on them for building the Eastern Meeting-House, as at present they do intend, for that the Committee appointed to have the Care of the Meeting House can't attend till *September* next, and for other reasons mentioned in the Petition. Pass'd in Council, *viz.* In Council *June 16th 1724.* Read and *Ordered,* That the Prayer of the Petition be granted.

Sent down for Concurrence.

Read and Non-concurr'd.

**Post Meridiem.**

A Petition of Capt. *John Hayes* Master of the Light-House, praying that something may be allowed him for his Extraordinary Expence and Firewood in keeping up the Lights, more than the former Establishment, for the reasons therein mentioned. Read, and the Question was put, *Whether any Allowance shall be made the Petitioner more than his Allowance by Establishment?*

It pass'd in the Negative.

The Report of the Committee for Securing the Western Frontiers, with the Vote of Council thereon brought down yesterday, Read, and the Vote of Council on the Report Non-concurr'd, and *Ordered*, That Mr. Speaker, Capt. *Wells*, Mr. *Houghton*, Col. *Tyng*, and Mr. *Sanders*, be a Committee to consider of the said Report, and make report of what they think proper for the Court to Order for the better Security and Defence of the Western Frontiers. [ 45 ]

A Petition of Capt. *John Fowle* of *Woburne*, shewing that in making up his Muster-Roll the last Fall Session, through his own forgetfulness, he omitted entring one *Thomas Carter* a Soldier in his Troop, who performed his Duty with the other Troopers, that the Petitioner hath paid of his own Money to the said *Carter*, in full for his said Service the Sum of 50s. 3d. praying that he may be reimbursed the said Sum out of the Treasury, otherwise he will entirely lose it. Read, and

*Resolved*, That the Sum of *Fifty Shillings & Three Pence* be allowed and paid out of the publick Treasury to Mr. *Daniel Pierce* to be by him paid to Capt. *John Fowle*, to reimburse him the like Sum paid to the abovesaid *Thomas Carter*.

Sent up for Concurrence.

A Petition sign'd *David Hitchcock*, *Daniel Hubbard*, and *Joseph Haynes*, in behalf of the Inhabitants of the Town of *Brimfield*, shewing that notwithstanding this Court were pleased lately to appoint a new Committee over them to perfect their Settlement, yet they remain under great Discouragements and unsettled, great Sums having been Expended, and the Burthen thereof born but by a few of the Inhabitants, the Committee informing them that they have not yet, nor can they well make an Assessment until Mr. *Winthrop's* Survey be reformed, praying this Court would take the Petition into their compassionate Consideration, and give Order that the Survey of Mr. *Winthrop's* Lands may be reformed, for the reasons therein mentioned. Read and *Ordered*, That

the Petitioners serve *John Winthrop* and *Thomas Lechmere* Esqrs; with a Copy of this Petition, that they may shew cause to this Court on the first Tuesday of the next Fall Session, why the Plat presented by their Honoured Father should not be reformed, and part of the Land contained in said Plat granted to the Possessors or Town of *Brimfield*.

Sent up for Concurrence.

A Message from His Honour by Mr. Secretary, *viz.* Mr. Speaker, His Honour expects the House forthwith to attend in the Council Chamber, on the Hearing appointed to be had this Day before the whole Court on the Affair of the Town of *Tiverton*.

Mr. Speaker and the House went up accordingly, and after the Hearing was over, Mr. Speaker and the House returned to their own Chamber.

Then the House Adjourned 'till to Morrow Morning Nine a Clock.

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*Mercurij Die 17. Junij. A. D. 1724.*

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**M**R. *Clark* from the Committee to Examine Mr. Secretary *Willard's* Accompt as entred the 13th. Currant, reported, that they had Examined the Records and Tables therein referr'd to, and find the charge of the Accompt is according to Establishment, and that the Accompt be accordingly allow'd. Read and Accepted, and *Resolved*, That the Sum of *Forty Six Pounds Eleven Shillings* be allowed and paid out of the publick Treasury to *Josiah Willard Esq;* in full discharge of said Accompt. Sent up for Concurrence.

A Memorial of *John Chandler Esq;* Representative of the Town of *Woodstock*, praying that the Sum of *Fifteen Pounds*, so much this Court laid on their Province Tax the last year for their not sending a Representative, may be allowed them out of the publick Treasury, for the reasons therein mentioned. Read, and the Question was put, *Whether the Prayer of the Memorial should be Granted?*

It pass'd in the Negative.

A Bill Entitled, *An Act in further Addition to the Act Entitled, An Act for the better Observation and Keeping of the Lord's Day, made and pass'd by the Great and General Court or Assembly at a Session held at Boston, October 12th. 1692. In the fourth Year of the Reign of their late Majesties King William and Queen Mary.*

Read a Third Time. And *Resolved*, That the Bill do pass to be Engross'd.

Sent up for Concurrence.

An Accompt sign'd *John Appleton*, County Treasurer for the County of *Essex*, for the year 1722. presented for Allowance, Read and *Ordered*, That this Accompt be allowed. Sent up for Concurrence. [ 46 ]

*Col. Chandler* from the Committee for Petitions, reported on the Accompt of *John Pell* as entred Yesterday, *viz.* The Committee are of Opinion that the Sum of *£17 12s.* be allowed and paid out of the publick Treasury to *John Pell* in full discharge of the within Accompt. Read and Accepted, And *Resolved*, That the Sum of *Seventeen Pounds Twelve Shillings* be allowed and paid out of the publick Treasury to *John Pell*, agreeable to said Report.

Sent up for Concurrence.

On the Petition and Accompt of Mr. Sheriff *Winslow*, for Charges and Attendance on the Pirates as Entred the 8th. Currant, The Committee are of Opinion, that the Sum of *l.26 6s. 1d.* be allowed and paid out of the publick Treasury to the Accomptant *Edward Winslow*, *l.5* for the Service of himself and Officers, and the remainder for the discharging the above Accompt of *l.21 6s. 1d.* Read and Accepted, and *Resolved*, That the Sum of *Twenty Six Pounds Six Shillings and One Penny* be allowed and paid out of the publick Treasury to *Edward Winslow Esq;* in full discharge of the above Accompt, agreeable to the above Report.

Sent up for Concurrence.

A Petition of *Hannah Banks* Indian, as entred the 13th. Read and sent up.

*Adam Winthrop Esq;* brought down the two following Votes of Council, viz. In Council *June 17th. 1724. Whereas it appears upon Enquiry that the Seventy two Pounds Eleven Shillings, being an Additional Tax laid on the Town of Tiverton in the Year 1723. for the Support of a Learned Orthodox Minister there, was not drawn out of the Treasury for that Service, the Minister that was sent thither after a Years Tryal, being discouraged by the perverse and untractable Temper and Carriage of the said People, It is therefore Ordered*, That the Treasurer receive of the said Town of *Tiverton* the Sum of *Twenty Seven Pounds & Nine Shillings* as their Tax for the said Year 1723. Sent down for Concurrence.

Read and Concurr'd.

In Council *June 16th. 1724. Whereas upon a Hearing had this Day of several Officers of the Town of Tiverton for the Year 1723. appointed to appear before this Court, to Answer a Complaint made by the Sheriff of the County of Bristol, it is evident that the Officers of the said Town have in the Contempt of the Laws of this Province been grosly negligent of their Duty in not Qualifying Assessors as the Law directs, and Assessing and Collecting the Province Tax laid on the said Town for the said Year: Therefore Ordered*, That it be recommended to the Justices of the County of *Bristol*, at their next General Sessions of the Peace to enquire into the said Neglects, and to do therein as to Justice appertains according to Law, and that they take into Consideration Mr. Sheriff *Church's* Accompt of Charges occasioned by the said Neglects. Sent down for Concurrence.

Read and Concurr'd.

An Engross'd Bill Entitled, *An Act for Granting unto His Majesty several Rates and Duties of Impost and Tunnage of Shipping.* Read, and *Resolved*, That the Bill do pass to be Enacted.

*Ordered*, That Mr. *Phillips*, Mr. *Hale*, Mr. *John Paine*, and Mr. *Shove*, be a Committee to project and prepare some proper Vote for the Treasurer's direction in paying the Sum of *Fifty Shillings* to each of the Soldiers on the late *Canada* Expedition, or their lawful Representatives, in Lieu of the Bounty of Her late Majesty Queen *ANNE*, and that the Treasurer assist therein.



Col. *Chandler* from the Committee for Petitions, reported, On Two Accompts of Charge of Mr. Sheriff *Winslow* for sending out Proclamations and Precepts, &c. as Entred the 10th. Currant, viz. On the within Accompt signed *Edward Winslow*, The Committee having considered the Accompts on the other side amounting to *l.27 6s. 9d.* are of Opinion that the Sum of *l.14 10s.* and no more, be allowed and paid out of the publick Treasury to the Accomptant *Edward Winslow* to discharge the said Accompt, and on the other Accompt on the right hand page, amounting to the Sum of *l.8 10s.* the Committee are of Opinion, that the Sum of *l.6 16s.* be allowed and paid out of the publick Treasury to the Accomptant *Edward Winslow* in full discharge of said Accompt. Read and Accepted, and

*Resolved*, That the Sum of *Twenty One Pounds Ten Shillings* be allowed and paid out of the publick Treasury to *Edward Winslow Esq;* in full discharge of said Accompt, agreeable to the above Report. Sent up for Concurrence.

[47]

On the Accompt of Expences of Mr. Sheriff *Winslow*, as entred the 10th. Currant, on the within Accompt amounting to *l.5 7s. 2d.* the Committee having examined said Accompt find it well Vouch'd, and therefore are of Opinion that the sum of *l5 7s. 2d.* be allowed and paid out of the publick Treasury to the Accomptant *Edward Winslow* in full discharge of said Accompt. Read and Accepted, and

*Resolved* That the Sum of *Five Pounds Seven Shillings & Two Pence* be allowed and paid out of the publick Treasury to *Edward Winslow Esq;* in full discharge thereof. Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, reported, On the Muster-Roll of Serj. *Allason Brown* of *Arundel*, as entred the 15th. Currant, The Committee having Examined the said Roll, find it right Cast and well Vouch'd by the Oath of the said *Brown*, are therefore of Opinion that the Sum of *l.329 1s. 1d.* to the respective Officers and Soldiers to whom it is due, be paid out of the publick Treasury, having first deducted *13s. 5d.* from the Wages said to be due to *George March* as a Corporal, there being no such Officer allowed at *Arundel*, and are further of Opinion that the whole Wages due to *Samuel Smith* deceas'd, be paid to said *Allason Brown* to reimburse him as far as that will go, for what he has advanced and is obliged to pay for said *Smith's* Accompt to the Doctor, and other Charges before his Decease. Read and Accepted, And

*Resolved*, That the Sum of *Three Hundred Twenty Nine Pounds One Shilling and One Penny* be allowed and paid out of the publick Treasury to Serj. *Allason Brown*, and the Soldiers born on the within Roll to whom the same is respectively due in full discharge of the Wages thereof. Sent up for Concurrence.

On the Petition of *Allason Brown*, The Committee having enquired into the subject matter of the same, and having made their report on the Muster-Roll



of the said *Brown* that *l.11 4s.* the Wages due to the within named *Smith* be paid to the said *Brown*, and are further of Opinion that the Sum of *l.4 10s.* be paid out of the publick Treasury to the said *Brown* in full discharge of the Accompt referred to in his Petition. Read and Accepted, And

*Resolved*, That the Sum of *Eleven Pounds Four Shillings* being *Samuel Smith's* Wages, and the further Sum of *Four Pounds Ten Shillings*, making in the whole the Sum of *Fifteen Pounds Fourteen Shillings*, be allowed and paid out of the publick Treasury to *Serj. Allason Brown* in full discharge of the Accompts referred to in said Petition. Sent up for Concurrence.

### Post Meridiem.

A Petition of the Select Men of the Town of *Falmouth*, in *Casco-Bay*, praying that a Reinforement of Men may be allowed them for their better Security and Defence. Read and committed to the Committee to consider of the state of the War.

A Petition of the Town of *Hadley* as entred the 25th. of *November* past, and referred to this Session, Read and referred to the next Fall Session.

Mr. Secretary brought down the List of Civil Officers, chosen by both Houses the 12th. Currant, for the present Year, pass'd on by His Honour the Lieutenant Governour, in these Words, *viz.* I consent to all the above Elections, excepting *John Read Esq;* W m. D U M M E R.

*Penn Townsend* and *Thomas Fitch Esqrs.* brought down the following Vote of Council, *viz.* In Council *June 17th. 1724. Ordered*, That *William Tailer & Samuel Brown Esqrs;* with such as the Honourable House of Representatives shall join be a Committee to consider and report to this Court the Draught of an Answer to Mr. Agent *Dummer's* last publick Letter. Sent down for Concurrence.

Read.

A Petition of Mr. *Hugh Henry* Minister at *Scarborough*, shewing that by reason of the present Indian War, the said Town is reduced to low Circumstances, and not capable of affording him a sufficient Support, praying the compassionate Consideration of this Court for such Relief and Support as in their wonted goodness shall seem meet. Read, and [ 48 ]

*Resolved*, That in consideration of the present Indian War with the Eastern Indians which has reduced the Town of *Scarborough* to low Circumstances, and their willingness to Support the Ministry of the Gospel among them, as far as they are able, and to encourage them further in so good a design, and there being Soldiers in the Service and Pay of this Government posted there, and no Chaplain allowed them, that the Sum of *Twenty Pounds* be allowed and paid out of the publick Treasury to Mr. *Hugh Henry*, in Answer to his Petition.

Sent up for Concurrence.

*Charles Frost* Esq; brought down the following Vote of Council, viz. In Council *June 17th. 1724. Ordered*, That *Nathaniel Byfield, Addington Davenport, John Clark, Thomas Hutchinson, and Thomas Palmer* Esqrs; with such as the Honourable House of Representatives shall appoint, be a Committee to consider of some proper Methods for retrieving the Value of the Bills of Credit, pursuant to a Paragraph of His Honour the Lieutenant Governour's Speech at the opening of this Session, recommending the same to the Consideration of this Court, and that the Committee be desired to sit once every Week at least in the Recess of the Court until their Report be perfected. Sent down for Concurrence.

Read and Concurr'd, And *Ordered*, That *William Dudley, Henry Phillips, Jonathan Remington* Esqrs; *Mr. Ezekiel Lewis, Major Quincy* and *Mr. Clark* be joyn'd with the Committee of the Board in the Affair.

An Accompt of *Ebenezer Tailer* Surgeon, amounting to 35*s.* for Medicines and Visits to *Joseph Chamberlaine* a Soldier in His Majesty's Service under the Command of Lieut. *Jabez Fairbanks*, with a Certificate from the said Lieut. Read, and

*Resolved*, That the Sum of *Thirty Five Shillings* be allowed and paid out of the publick Treasury to Dr. *Ebenezer Tailer*, in full discharge of said Accompt.

Sent up for Concurrence.

An Accompt of *Jane Chamberlaine* for Nursing *Joseph Chamberlaine*, a Soldier in His Majesty's Service at *Dunstable*, under Lieut. *Fairbanks*, in his Sickness in *April 1724.* amounting to 15*s.* Read and *Resolved*, That the Sum of *Fifteen Shillings* be allowed and paid out of the publick Treasury to Col. *Eleazer Tyng* to be by him paid to the said *Jane Chamberlaine*, in full discharge of this Accompt.

Sent up for Concurrence.

A Petition of the East Precinct in the Town of *Enfield*, praying as entred the 24th. of *August* and the 18th. of *December* last, and referred to this Session, Read, together with the Answer of the Town of *Enfield* thereto, and thereupon *Resolved*, That the Prayer of the Petition be so far Granted, as that the East Precinct in the Town of *Enfield* be impowred for the space of Three Years next coming, to raise one quarter part of the Charges of said Precinct on unimproved Lands within the same, and the Non-Resident Proprietors to be Notified and Admitted to be present, and Vote at said Precinct Meeting, when any Sums shall be granted for the raising Money to defray the Charges that may arise within the same for the aforesaid Term. Sent up for Concurrence.

Then the House Adjourned till tomorrow Morning Nine a Clock.

# VOTES

## Of the House of Representatives

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Jobis Die 18. Junij. A. D. 1724.

**A**N Engross'd Bill Entitled, *An Act for Apportioning and Assessing a Tax of Fourteen Thousand Pounds.* Read, and  
*Resolved*, That the Bill do pass to be Enacted.

*Voted*, Mr. Lewis, and Mr. Cushing go up with a Message to the Honourable Board to desire they would please to Adjourn to Nine in the Morning *de die in diem* during the Session, that the business of the Court may be dispatched, and the Court rise this Week if possible.

A Muster-Roll of the Company in His Majesty's Service under the Command of Lieut. *Jabez Fairbanks of Lancaster.* Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Arthur Bragdon.* Read and committed to the Committee for Muster-Rolls.

A Petition of Capt. *William Pepperell* Representative of the Town of *Kittery*, praying that the Sum of *Seven Pounds* part of their Province Tax for the present Year, on account of the North half of *Isles of Shoals* being annexed to the Town, may be abated, for the reasons therein mentioned. Read,

And the Question was put, *Whether the Prayer of the Petition shall be Granted?* It pass'd in the Negative.

*Symonds Epes* Esq; brought down the Petition of Col. *Robert Gardner* of *London*, as entred the 5th. Currant, pass'd in Council, *viz.* In Council *June 18th. 1724.* This Petition with the Answer of *Job Coite* were severally read and Considered, and *Ordered*, That this Petition be dismissed. Sent down for Concurrence. Read and Concurr'd.

A Petition of *Jonathan Blake, Solomon Hewes*, and sundry others, settled Inhabitants on the Westernmost Parts of the Town of *Dorchester*, praying that they and their Families, and a Gore of Land in *Dorchester* aforesaid as set forth in a Plan exhibited with the Petition, may be set off to the Town of *Wrentham*, for the reasons therein mentioned. Read and referred to the Fall Session for further Consideration, and that in the mean time the Petitioners serve the Town of *Dorchester* with a Copy of the Petition, that they may then shew Cause, if any they have, why the Prayer thereof should not be Granted. Sent up for Concurrence.

Col. *Chandler* from the Committee for Petitions, reported, *viz.*

On the Petition and Accompt of Dr. *George Jackson*, The Committee are of Opinion that Dr. *Jackson* ought to lay a particular Accompt of his Medicines

administred, &c. in order to his being allowed and paid for the same by this Court. Read and Accepted.

On the Accompt of *John Flagg*, as entred the 12th. Currant, The Committee are of Opinion that the Sum of *l.10 4s.* be allowed and paid out of the publick Treasury to *John Flagg* the Accomptant, in full of his Accompt, and for the damage and loss he sustained by Sailors kept under the Town-House, that were Impressed on the Cruize after the Pirates. Read, and [ 50 ]

*Resolved*, That the Sum of *Ten Pounds Four Shillings* be allowed and paid out of the publick Treasury to *John Flagg* to discharge the within Accompt accordingly. Sent up for Concurrence.

On the Petition of *Dr. Thomas Alden*, as entred the 8th. Currant, which was Read and Accepted, and thereupon *Resolved*, That the Sum of *Thirty Pounds One Shilling and Four Pence* be allowed and paid out of the publick Treasury to *Dr. Thomas Alden* in full Satisfaction and Answer to his Petition agreeable to the Report. Sent up for Concurrence.

On the Accompt of *John Stebbins* as entred the 16th. Currant, The Committee are of Opinion that the Sum of *l.3 6s.* be allowed and paid out of the publick Treasury to *John Stebbins* in full discharge of his Accompt.

Read and Accepted, And *Resolved*, That the Sum of *Three Pounds Six Shillings* be allowed and paid out of the publick Treasury to *John Stebbins* in full discharge of the Demands in his Accompt.

Sent up for Concurrence.

On the Petition of *James Pitson*, as entred the 29th. of *May* past, the Committee are of Opinion that the Sum of *l.20* be paid out of the publick Treasury to the Petitioner *James Pitson*, in regard it appears to the Committee that *John Carnes* is Entitled to *l.5* being the first Discoverer of the Counterfeited Bills mentioned in the Petition. Read and *Resolved*, That the Sum of *Twenty Pounds* be allowed and paid out of the publick Treasury to *James Pitson* in full Satisfaction for the Services mentioned in the Petition.

Sent up for Concurrence.

On the Petition of *Mr. Sheriff Winslow* as entred the 29th. of *May* past, It appearing that *John Carnes* was the first Discoverer of the Counterfeit *Ten Shilling* Bills of this Province uttered by *Michael Kent*, the Committee are therefore of Opinion that the said *John Carnes* is alone Entitled to the *l.5* Bounty or Premium for the first Discovering said Counterfeited Bills made off a new Plate. Read and Accepted, and *Resolved*, That the Sum of *Five Pounds* be allowed and paid out of the publick Treasury to *John Carnes* in full for his Services mentioned in the said Petition.

Sent up for Concurrence.

On the Petition of *Joseph Jones* as entred the 12th. Currant, The Committee are of Opinion that this Petition be dismiss'd. Read and Accepted, and *Voted*, That the Petition be dismiss'd.



On the Accompt of Dr. *George Pemberton*, as entred the 12th. Currant, The Committee find this Accompt right cast and not over charged, and are therefore of Opinion that there be allowed and paid out of the publick Treasury to the Accomptant Dr. *George Pemberton*, the Sum of *l.42 6s. 6d.* in full discharge of this Accompt. Read and Accepted, And *Resolved*, That the Sum of *Forty Two Pounds Six Shillings & six pence* be allowed and paid out of the publick Treasury to the Accomptant Dr. *George Pemberton* in full discharge of the within Accompt. Sent up for Concurrence.

On the Accompt of *Roger Mitchell*, as entred the 10th. Currant, The Committee are of Opinion that the Sum of *l.7 13s. 4d.* be allowed and paid out of the publick Treasury to the Accomptant *Roger Mitchell* in full discharge of this Accompt. Read and Accepted, And *Resolved*, That the Sum of *Seven Pounds Thirteen Shillings & Four Pence* be allowed and paid out of the publick Treasury to the Accomptant *Roger Mitchell* in full discharge of the above Accompt. Sent up for Concurrence. [ 51 ]

A Petition of Capt. *George Abbot*, and Capt. *Benjamin Stevens* of *Andover*, praying this Court would make some Allowance to the said Town for their extraordinary Charges and Services in Scouting, Watching and Warding, and building Block Houses in the Year 1722 and 1723. for the reasons therein mentioned.

Read, and the Question was put, *Whether the Prayer of the Petition should be Granted?* It pass'd in the Negative.

*Melatah Bourn* Esq; brought down a Petition of *Benjamin Wanno*, in behalf of all the Indians in the Plantation called *Ketiticut*, praying that this Court would give Order that the Bounds of their Lands there may be Settled, and that some of the Proprietors Lands may be Sold for the Reasons therein mentioned, pass'd in Council, viz. In Council *June* 18th. 1724. Read and *Resolved*, That the Prayer of this Petition be so far granted, that *Samuel Thaxter* Esq; with such as the Honourable House of Representatives shall appoint, be a Committee to run the Bounds between the Indian Plantation of *Ketiticut*, and the Town of *Bridgewater*. Sent down for Concurrence. Read.

An Accompt of *Joseph Bane*, for bringing a Packet from *Casco-Bay*, Horse hire, Ferrage. and extraordinary Charge from thence to *Boston*, in His Majesty's Service, by Order of Col. *Thomas Westbrook*. Read, and *Resolved*, That the Sum of *Four Pounds* be allowed and paid out of the publick Treasury to the said *Joseph Bane* in full discharge of said Accompt. Sent up for Concurrence.

### Post Meridiem.

*John Turner* and *Symonds Epes* Esqrs; brought down a Petition of *Robert Love*, praying the compassionate Consideration of this Court, that they would please to make him some Allowance upon the Account of his great Misfortunes

and Necessities to which he is reduced by reason of his late Captivity among the Eastern Indians, pass'd in Council *June* 18th. 1724. Read, and Sent down Recommended, Read, and the Question was put, *Whether the Prayer of the Petition should be granted?*

It pass'd in the Negative.

A Petition of *Amos Smith* late a Soldier in the Service of the Province under the Command of Capt. *Flint*, shewing that he contracted a great Sickness while in the Service, whereby he is rendred incapable of getting an honest livelihood, praying the Court would take the Premises into their Consideration, and make him such Allowance for Wages, Nursing and Doctors, as in their Wisdom shall seem meet. Read and committed to the Committee for Muster-Rolls.

*Edward Bromfield Esq*; brought down a Petition of *John* and *Zechariah Hubbard*, Executors of the last Will and Testament of Capt. *Zechariah Tuthill* deceased, praying some further Allowance may be made to them more than what this Court has allowed, on Account of the loss the said *Tuthill* sustained in Victualling His Majesty's Garrison at Castle *William*, Pass'd in Council, *viz.* In Council *June* 17th. 1724. Read and Sent down. Read, and the Question was put, *Whether the Prayer of the Petition should be granted?* It pass'd in the Negative.

Mr. Secretary *Willard*, brought down a Letter from Lieut. Governour *Doucett*, Dated *Annapolis-Royal*, *May* 12th. 1724. to His Honour the Lieut. Governour, which His Honour thought proper to communicate to the House.

Read and committed to the Committee for the War in the Eastern Parts.

Mr. *Phillips* from the Committee appointed to prepare a proper Vote for the Treasurer's direction in paying the Sum of *Fifty Shillings* to each of the Soldiers on the late *Canada* Expedition in the Year 1711. in Lieu of the Bounty of Her late Majesty Queen *ANNE*. Reported, which was Accepted, and thereupon the following Vote pass'd, *viz.*

*Resolved*, That upon any one of the Commission Officers, Serjeants or Clerks of the aforesaid Companies making Oath before Mr. Treasurer, that the Men born on the Rolls of their respective Company have returned their Arms to the Province, they or their lawful Representative shall receive the *Fifty Shillings* allowed by the General Court in Lieu of the Arms out of the Treasury, &c. And [ 52 ] where it so happens that any Officers that come to make Oath as aforesaid are under any difficulty as to the certainty of any one or more of the said Soldiers returning their Arms, in such case the said Soldier or Soldiers making Oath before any one of His Majesty's Justices of the Peace, or before Mr. Treasurer, that they did *bona fide* return their Arms, shall receive the *Fifty Shillings* out of the Treasury as aforesaid. Sent up for Concurrence.

*Edward Bromfield Esq*; brought down a Memorial of Capt. *John Hayes* Master

of the Light-House, shewing that the said Light-House and Wharfe there want to be repaired, and that there is necessity of having a *Well* there, praying that this Court would take the necessary Order for said Repairs, pass'd in Council, *viz.* In Council *June* 18th. 1724. Read and *Ordered*, That the last Committee for the repairs of Castle *William*, and the Light-House, be revived and Col. *Tailer* be added to them, one of the said Committee being absent, Sent down for Concurrence. Read and Concurr'd.

Col. *Chandler* from the Committee for Petitions, reported, on the Petition and Accompt of *David Melvill* as entred the 10th. Currant, The Committee are of Opinion that 5s. per Week is a sufficient Allowance for subsisting the Indian Captives, that therefore there be allowed and paid out of the publick Treasury to the Accomptant *David Melvill* the Sum of *l.76 15s. 9d.* to discharge the present Accompt, and the further Sum of 29s. to make up his former Accompt, which fell so much short of 5s. per Week, in the whole *l.78 4s. 9d.*

Read and accepted. And

*Resolved*, That the Sum of *Seventy Eight Pounds Four Shillings and Nine Pence* be allowed and paid out of the publick Treasury to *David Melvill* in full Satisfaction and Discharge of the within written Accompt in the several Articles thereof. Sent up for Concurrence.

An Accompt of Dr. *Edward Ellis* for Service as Surgeon to this Province from the 28th of *August* to the 19th of *September* 1723. amounting to *l.7 17s.* examined by Mr. Treasurer. Read and committed to the Committee for Petitions.

*John Wheelwright* Esq; brought down the Vote of the House of the 9th. Currant, on the male and unlawful practices of Capt. *John Gyles*, pass'd in Council, *viz.* In Council *June* 9th. 1723. Read and Committed, the 18th Read again, with the Report of the Committee of the Board thereon, and Non-concurr'd, there not appearing to this Board sufficient Ground for a Prosecution, And whereas it appears that Capt. *John Gyles* has received by his Muster-Rolls on the Accompt of *James Harper* the Sum of *l.15 6s. 10d.* but it doth not appear by any proper Vouchers brought by Capt. *John Gyles*, that he has paid the said *Harper* any more than *l.8 1s. 9d.* *Ordered*, That the Treasurer be directed to stop the Sum of *Seven Pounds Five Shillings & One Penny*, out of Capt. *Gyles's* Wages in his next Muster-Roll, until he make it appear to this Court, that he has paid the aforesaid Sum.

Sent down for Concurrence. Read and Non-concurr'd, And the House adhere to their Vote. Sent up by Mr. *Tay*, Mr. *Johnson*, and Mr. *Stone*.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *John Gyles* at *Fort George* at *Brunswick*. Read and committed to the Committee for Muster-Rolls.

Then the House Adjourned 'till to Morrow Morning Nine a Clock.

Veneris Die 19. Junij A. D. 1724.

THE Petition of *Benjamin Wanno* in behalf of all the Indian Proprietors of *Ketiticut*, with the Vote of Council thereon, Read again, and *Voted* a Concurrence, and *Ordered*, That *John Quincy* and *Jacob Thompson* Esqrs; be joined in the Affair, and that the Town of *Bridgewater* have seasonable Notice given them thereof. Sent up for Concurrence. [ 53 ]

A Muster-Roll of the Company in His Majesty's Service at Fort *Mary*, under the Command of Capt. *Samuel Hinckes*, with a Memorial of the said Capt. *Hinckes*.

Read and committed to the Committee for Muster-Rolls.

An Accompt of *Richard Smith* for Supplying His Majesty's Fort *Mary*, at *Winter-Harbour*, Capt. *Samuel Hinckes* Commander, with Fire-wood from the 8th. of *June* 1723, to the 12th. of *June* 1724, at 6s. per Cord, amounting to *l.17 6d.*

Read and *Resolved*, That the Sum of *Seventeen Pounds & Six Pence*, be allowed and paid out of the publick Treasury to the Accomptant *Richard Smith* in full discharge of the within Accompt. Sent up for Concurrence.

Col. *Chandler* from the Committee for Petitions, reported on the Petition of Lieut. *Joseph Bean* as entred the 16th. Currant, The Committee are of Opinion that there be allowed and paid out of the publick Treasury to the Petitioner Lieut. *Joseph Bean* for his Service Eastward, in Piloting and sometimes Commanding the Scouts and Parties sent forth in Quest of the Indian Enemy from *Febr. 4th.* 1722, 3, to this Time, Pilots Wages, subducting therefrom what he has already received; or may receive as Serjeant, viz. the Sum of *l23 17s. 6d.* Read and Accepted, and *Resolved*, That the Sum of *Twenty Three Pounds Seventeen Shillings & Six Pence* be allowed and paid out of the publick Treasury to the Petitioner Lieut. *Joseph Bean* in Answer to his Petition.

Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of Serj. *Nathan Knight*, of *Scarborough*. Read and committed to the Committee for Muster-Rolls.

An Accompt of *Edmund Mountfort*, being Employed by Mr. Treasurer *Allen*, to deliver Stores, &c. to the Forces Eastward, for his Service from the 20th. of *August* 1723, to *June* 16th. 1724. amounting to *l.75 10s.* at *l.7* per Month, Examined by Mr. Treasurer. Read and *Resolved*, That the Sum of *Seventy Five Pounds Ten Shillings*, be allowed and paid out of the publick Treasury to Mr. *Edmund Mountfort* in full discharge of said Accompt. Sent up for Concurrence.

An Accompt sign'd *Benjamin Everenden* for New making, Carting and Cooperage of a Quantity of Powder for the Use and Service of this Province. Read, and



*Resolved*, That the Sum of *Eighty Pounds Fifteen Shillings & Ten Pence* be allowed and paid out of the publick Treasury to Col. *Robert Spurr* to be by him repaid to the Persons to whom the same is due, in full discharge of the within Accompt. Sent up for Concurrence.

Sundry Accompts of *Edmund Mountfort*, for Mending the Whale-boats Eastward, and other Charges advanced and paid in the Service of the Province, as by said Accompts. Read and committed to the Committee for Muster Rolls.

Mr. *Lewis* from the Committee for Muster-Rolls, reported, *viz.*

On the Muster-Roll of Lieut. *Jabez Fairbanks*, The Committee having examined the within Muster-Roll find it right Cast and well Vouch'd by the Oath of said Lieut. *Fairbanks*, and the Three Serjeants *Blanchard*, *Hartwell* and *Shepley*, are therefore of Opinion that the Sum of *l.507 3s. 2d.* be paid out of the publick Treasury to the respective Officers and Soldiers born on this Roll, and also that the Sum of *l.244 16s. 6d.* for subsisting the said Officers and Soldiers be paid to said Lieut. *Fairbanks* to be by him paid to the respective Persons to whom the same is due in full discharge thereof, the whole making *l.751 19s. 8d.*

Read, and Accepted, and *Resolved*, That the Sum of *Seven Hundred Fifty One Pounds Nineteen Shillings & Eight Pence* be allowed and paid out of the publick Treasury to Lieut. *Jabez Fairbanks* to be by him repaid to the Officers and Soldiers born on the within Roll, and the Person or Persons that have subsisted them, in full discharge of the Wages and Subsistence thereof, first deducting what the Treasurer has advanc'd or supply'd for Subsistence.

Sent up for Concurrence.

On the Muster-Roll of Capt. *Samuel Hincks*, The Committee find it right Cast and well Vouch'd by the Oath of the said *Hincks*, are therefore of Opinion that the Sum of *l.124 2s. 8d.* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Roll, in full discharge thereof. [ 54 ]

Read and Accepted, and *Resolved*, That the Sum of *One Hundred Twenty Four Pounds Two Shillings & Eight Pence* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Muster-Roll, in full discharge of the Wages thereof. Sent up for Concurrence.

On the Muster-Roll of Capt. *Joseph Heath*, The Committee having Examined the same find it right Cast and well Vouch'd by the Oath of the said Capt. *Heath*, but inasmuch as Lieut. *George Allen* is born on said Roll to the 4th. of *December* but left his Post the 5th. of *November*, we are of Opinion that 40s. be deducted from his Wages on this Roll, and also *David Allen* being in the same Case that 24s. be deducted from his Pay, and also 33s. 4d. so much overcharged, makes 57s. 4d. also that 40s. be deducted from the Wages of *Ebenezer Nutting* for four Weeks absence from his Duty, and from the Wages of *Samuel Harrindon*

*l.12* for Six Months absence, the whole of which amounts to *l.18 17s. 4d.* which being deducted as aforesaid are of Opinion the remaining Sum being *l.1129 10d.* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on this Roll to whom the same is respectively due in full discharge thereof.

Read and Accepted, and *Resolved*, That the Sum of *One Thousand One Hundred & Twenty Nine Pounds & Ten Pence* be allowed and paid out of the publick Treasury to Capt. *Joseph Heath*, the other Officers and Soldiers born on this Roll in full discharge of the Wages thereof agreeable to the above Report.

Sent up for Concurrence.

On a Muster Roll of the Company in His Majesty's Service under the Command of *John Chandler Jun.* upon an Alarm, being a Scout to *Brookfield*, certified by the Chief Officer of the Regiment, The Committee are of Opinion that the Sum of *l.9 7s. 6d.* be allowed and paid out of the publick Treasury to Col. *John Chandler* to be by him paid to the respective Persons that performed the within mentioned Service, in full. Read and *Resolved*, That the Sum of *Nine Pounds Seven Shillings & Six Pence* be allowed and paid out of the publick Treasury to Col. *John Chandler* to be by him repaid to the several Persons that performed the within mentioned Service. Sent up for Concurrence.

On a Muster-Roll of a Company in His Majesty's Service under the Command of *John Chandler Jun.* being a Scout to *Rutland*, on an Alarm, certified by the Chief Officer of the Regiment, The Committee are of Opinion, having examined the same, that the Sum of *l.18 10s. 9d.* be allowed and paid out of the publick Treasury to Col. *John Chandler*, to be by him paid to the respective Persons to whom the same is due, in full discharge thereof. Read and Accepted, and

*Resolved*, That the Sum of *Eighteen Pounds Ten Shillings & Nine Pence* be allowed and paid out of the publick Treasury to Col. *John Chandler* to be by him repaid to the Persons to whom the same is due, for the Services within mentioned in full discharge thereof. Sent up for Concurrence.

On an Accompt of sundry Persons sent from *Woodstock* to *Rutland*, upon an Alarm when Mr. *Willard* was slain, certified by Col. *Chandler*, The Committee are of Opinion that the Sum of *l.4 14s. 3d.* be allowed and paid out of the publick Treasury to Col. *John Chandler*, to be by him paid to the respective Persons that performed the within mentioned Service, in full discharge thereof. Read and Accepted, and *Resolved*, That the Sum of *Four Pounds Fourteen Shillings & Three Pence* be allowed and paid out of the publick Treasury to Col. *John Chandler*, to be by him repaid to the respective Persons to whom the same is due in full discharge hereof. Sent up for Concurrence.

On the Petition of *Amos Smith* as entred yesterday, The Committee having made enquiry into the circumstances of the said *Smith's* Illness, contracted while in the Service of this Province, &c. are of Opinion, that the Sum of *Ten Pounds*

be allowed and paid out of the publick Treasury to the Petitioner *Amos Smith*, in consideration of his long continued Illness and the Charges arising thereon as abovesaid.

Read and Accepted and *Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the publick Treasury to the said *Amos Smith* accordingly. Sent up for Concurrence. [ 55 ]

### Post Meridiem.

An Accompt of *John Swet* of *Newbury* for Ferrying Capt. *John March* and his Troop in His Majesty's Service over *Newbury Ferry*, certified by the said Capt. *John March*.

Read and *Resolved*, That the Sum of *Twenty One Shillings and Six Pence*, be allowed and paid out of the publick Treasury to *Richard Kent Esq*; for the Use and Accompt of the said *John Swet* in full discharge thereof.

Sent up for Concurrence.

Capt. *Adijah Dewey* appearing before a Committee of the House appointed to consider of a Complaint made in the House concerning sundry Troopers born on his Roll for a longer time than they were in actual Service, and he having given plain, direct and satisfactory Answers to the Questions put to him, and after a strict Examination, The Committee finding the said Roll was made up by said *Dewey's* superiour Officer, and that the said Men were entred on said Roll by the Direction of the said Officer, Therefore *Voted*, That the said Capt. *Dewey* be dismiss'd from any further Attendance on this House at this time, he paying the necessary charges of his Summons, and rendring to this Court at their next Session the Sum of Money he has received more than he ought to have done.

Mr. *Lewis* from the Committee for Muster-Rolls, reported on the Memorial of Capt. *Samuel Hinckes*, The Committee are of Opinion, that the Treasurer be directed to supply Fort *Mary* at *Winter-Harbour* with a Flagg suitable for that Garrison, as also a Doctor's Box to the value of about *Fifty Shillings*, It is further the Opinion of the Committee that Capt. *Hinckes* have Liberty to appoint one Corporal as there may be occasion inclusive of the twelve Men allowed to the said Garrison, and as to the *Five Pounds* mentioned in the Memorial said to be due to Dr. *Jackson* for Medicine, &c. expended on *Matthew Robinson*, the same being charged in said *Jackson's* Accompt, The Committee are of Opinion that it be not allowed on this Memorial. Read and Accepted, and *Voted*, That Mr. Treasurer be directed to supply the Fort *Mary* at *Winter-Harbour* agreeable to the said Report. Sent up for Concurrence.

The Vote of Council of the 17th. appointing a Committee to prepare a Draught of a Letter in Answer to Mr. Agent *Dummer's* last letter. Read again, and the Question being put, *Whether the House would Concur with the Said Vote?*

It pass'd in the Negative.

And *Voted*, That Mr. Speaker, Mr. *Remington*, Mr. *Lewis*, and Mr. *Thomas Cushing* with such as the Honourable Board shall appoint be a Committee to consider and report to this Court the Draught of a Letter to be sent to *Elisha Cooke* and *Jeremiah Dummer* Esqrs; Agents for this Province at the Court of *Great Britain* on such Articles and Heads as may be proper for the Court further to Instruct them in at this time. Sent up for Concurrence.

*Voted*, That Col. *Chandler*, Mr. *Parsons*, Capt. *Wells*, Mr. *Barns*, and Capt. *Hill* go up with a Message to the Honourable Board, to desire the Business of the Court may be expedited that so they may rise this Week if possible, and to enquire if the Board have pass'd on the Vote respecting the Inhabitants of the County of *York*, being no longer retained in the pay of the Province.

A Petition of *Benjamin Stevens*, *Ebenezer Eastman*, *John Osgood*, &c. in behalf of themselves, and sundry others Inhabitants of *Bradford*, *Andover*, and *Haverhill*, Petitioners formerly for the Grant of a certain Tract of Land lying on *Merrymack-River*, at a Place called *Penny-Cook*, as entred the 18th. and 19th. of *December* past, praying that their said Petition and the Vote of the House thereon may be revived, and that this Court would please to make a Grant of the said Land to them for the reasons mentioned in the Petition. Read, and after some debate being had thereon, the Question was put, *Whether the Prayer of the Petition should be Granted?* Resolved in the Affirmative.

Sent up for Concurrence. With the following Vote, viz. [ 56 ]

In Answer to the Petition of sundry of the Inhabitants of *Bradford*, *Andover*, and *Haverhill*, &c. presented this Day to the Court, and also the Petition therein referr'd to, sign'd *Stephen Barker*, and sundry others for the Grant of a Tract of Land at *Penny-Cook*, presented to this Court at their Session in *October 1723*, and the Proposals made by the Petitioners,

*Resolved*, That the Tract of Land lying and being on both sides of *Merrymack-River*, at a place called *Penny-Cock*, Surveyed and laid out by *William Ward* and *John Jones* in *May 1722*, Surveyors upon Oath by Order of the House of Representatives be and hereby is Granted unto *One Hundred Persons*, such as shall be admitted by the Committee hereafter named, and that the said Tract of Land as particularly delineated and described in the Plan herewith exhibited, be and hereby is Erected into a Township, and that *John Wainwright* of *Ipswich* Esq; Mr. *John Sanders* of *Haverhill*, and Capt. *James Frye* of *Andover*, be a Committee fully Authorized and impowred by this Court to allot and grant out to such Persons and only such as will effectually settle the same within Three Years next after the End of the present Indian War, giving the preference to such of the Petitioners as in their Judgment may be most likely to make a Settlement, The Lotts and Settlements to be laid out by said Committee in equal Proportion according to the best Judgment of the Committee, to be in as regular and defensible a manner as the nature and circumstance of the Lands



will admit and allow of, each Family to whom a Lott with the other Rights and Dividends are granted shall be obliged to build a good Dwelling House thereon, and Inhabit it, and also to break up, and sufficiently Fence in Three Acres of Land each, within the Term of Three Years as aforesaid, That there be reserved and laid out for the first settled Minister in said Town a convenient Lott, also a Lott for the School, and a Ministerial Lott in the said Town, and the Setlers be obliged to build a Convenient House for the publick Worship of GOD in said Town, within the Term of Four Years, The Charge of the Committee to be paid by the Grantees, and that the Committee give publick Notice of the Time and Place of their meeting to Grant Allotments. *Provided nevertheless*, That in consideration of the Extent of the Grant and Goodness of the Soil, and the Charge hitherto arisen in the Surveying the same, and taking the aforesaid Plan, The Setlers and Grantees shall be obliged and hereby are enjoined at their own Cost and Charge to Erect, build and finish by the first Day of *May* next, a sufficient House well strengthned and fortified in some convenient Place on the Premises, and shall also pay and subsist *Twenty* able body'd effective Men, well equipped with Arms, Ammunition, &c. in said House, to be Posted by the Commander in Chief for the Time being, for the Defence and Security of the Setlers, to cover and protect them from the Invasions of the Enemy, and also a Guard and Defence to the Towns within, the *Twenty* Men as aforesaid to be Subsisted and paid by the Grantees during the present Indian War, and no longer. Sent up for Concurrence.

A Message from His Honour and the Honourable Board, That they have considered the Message of the House about the Courts rising, and intend to dispatch the things lying before them, that the Court may rise to morrow if possible, and the Board desire the House would send up the Muster-Rolls lying before them as soon as they have passed on them for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a Clock.

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*Sabbati Die 20. Junij. A. D. 1724.*

**M**R. *Lewis* from the Committee for Muster-Rolls reported, On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Timothy Dwight*, which was read and accepted, and thereupon

*Resolved*, That the Sum of *Two Hundred Ninety Three Pounds Fourteen Shillings and Eight Pence*, together with the Sum of *One Hundred Forty Four Pounds Eight Shillings & Six Pence*, making in the whole the Sum of *Four Hundred & Thirty Eight Pounds Three Shillings & Two Pence* be allowed and paid out of the publick [ 57 ] Treasury to the within named Capt. *Timothy Dwight* to be by him repaid to the Officers and Soldiers born on the within Roll, in full of the Wages, and to the Person or Persons who have advanced or supplied

the Men with any Subsistence, (first deducting what Mr. Treasurer has advanced or paid for Subsistence) in full discharge of the Wages and Subsistence thereof. Sent up for Concurrence.

On the Muster-Roll of Serj. *Nathan Knight*, The Committee find it right Cast and Vouch'd by the Oath of said *Knight* before Major *Samuel Moodey*, are therefore of Opinion that after the deduction of *l. 5 2s. 6d.* from *Anthony Dyer* who deserted the Service, there be allowed and paid out of the publick Treasury to the Officers and Soldiers born on this Roll in full discharge thereof the Sum of *l. 149 13s. 7d.* Read and Accepted, and Resolved, That the Sum of *One Hundred Forty Nine Pounds Thirteen Shillings & Seven Pence* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Roll to whom the same is respectively due agreeable to the above report, in full discharge of the Wages thereof. Sent up for Concurrence.

*Thomas Palmer* Esq; brought down an Accompt sign'd *Joseph Heath*, being for rebuilding and enlarging the Fort at *Richmond*, with a Plan thereof exhibited. Read and Resolved, That the Sum of *One Hundred & Ninety Three Pounds One Shilling & Nine Pence* be allowed and paid out of the publick Treasury to Capt. *Joseph Heath* in full discharge of said Accompt. Sent up for Concurrence.

*Symonds Epes* Esq; brought down the Vote of the 12th. Currant, desiring His Honour would give Orders that the Inhabitants of the County of *York* may not be any longer retained in the Service of the Government, Pass'd in Council, viz. In Council *June 19th. 1724.* Read and Concurr'd with the Amendment, viz. dele the *Inhabitants of the County of York*, — and add — *Such of the Inhabitants of the County of York as are either Freeholders or Sons or Servants of Freeholders.*

Sent down for Concurrence. Read and Concurr'd. Sent up.

An Accompt sign'd *Samuel Tyley* for Writing for the General Court from *Decemb. 21st* past, to the 18th. Currant. Read, and Resolved, That the Sum of *Seven Pounds Nineteen Shillings & Ten Pence* be allowed and paid out of the publick Treasury to the Accomptant *Samuel Tyley*, in full discharge of the within Accompt. Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls reported on the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Joseph Kellogg*, as entred the 11th. Currant, which was read and Accepted, and thereupon Resolved, That the Sum of *Six Hundred Forty Eight Pounds Ten Shillings & Seven Pence*, be allowed and paid out of the publick Treasury to Capt. *Joseph Kellogg*, the other Officers and Soldiers born on the within Roll to whom the same is respectively due in full discharge of the Wages thereof, and that the further Sum of *Two Hundred Ninety Four Pounds Ten Shillings & Nine Pence* be allowed and paid out of the publick Treasury to Capt. *Thomas Wells* to be by him repaid to the Person or Persons who have subsisted the said Men, (first

deducting what Mr. Treasurer has advanced or supplied for Subsistence) in full discharge thereof agreeable to the said Report. Sent up for Concurrence.

An Accompt of *Samuel Gerrish* for the Printing, Paper & Stitching Mr. *Sewall's* Election Sermon, being Four Hundred allowed for. Read, and

*Resolved*, That the Sum of *Sixteen Pounds Eighteen Shillings & Six Pence* be allowed and paid out of the publick Treasury to Mr. *Samuel Gerrish* in full discharge of the above Accompt. Sent up for Concurrence.

An Accompt of *Luke Vardy* for an Election Dinner, and Extraordinaries, being an Entertainment for the Honourable the Lieutenant Governour, and His Majesty's Council with 100 Gentlemen and others. Read and *Resolved*, That the Sum of *Thirty Four Pounds & Six Pence* be allowed and paid out of the publick Treasury to *Luke Vardy* the Accountant in full discharge thereof.

Sent up for Concurrence. [ 58 ]

The Address of the Corporation of *Harvard Colledge* in *Cambridge*, as entred the 13th. Currant. Read again, and in Answer thereto, *Voted*, That *William Dudley*, *John Wainwright* and *Jonathan Remington* Esqrs; Mr. *Ezekiel Lewis*, and *Charles Chambers* Esq; with such as the Honourable Board shall joyn be a Committee to make enquiry into the state of the *Colledge* Treasury, and how the Income and Profits thereof are appropriated, and how the Rents of the New *Colledge* have been disposed of, and what are the necessary Charges of the *Colledges*, and make report to this Court in their next Session.

Sent up for Concurrence.

*Nathaniel Byfield* and *Samuel Browne* Esqrs; brought down the following Message, viz. In Council June 20th. 1724. *It being the Opinion of this Board, that it will be most for the Service that the Recruits for the Soldiers proposed for the Eastern and Western Frontiers be made by Voluntiers*, Ordered, That a Message be sent to the Honourable House of Representatives to recommend it to their consideration that a sufficient Reward be offered to all such able body'd Men not being Inhabitants of any Frontier Town, as shall voluntarily Enlist into the said Service for the Term of Two Years.

In answer to the above Message, *Voted*, That Mr. Speaker, Mr. *Wainwright*, and Major *Fullam* be a Committee with such as the Honourable Board shall appoint to consider and project some more easy and effectual Method for raising Soldiers for the Defence of the Frontiers, and the more vigorous Prosecution of the War, and make report to this Court at their next Session.

Sent up for Concurrence.

*Resolved*, That the Sum of *Three Hundred Pounds* be allowed and paid out of the publick Treasury to His Honour *WILLIAM DUMMER* Esq; Lieutenant Governour and Commander in Chief of this His Majesty's Province, for his Support to enable him to manage the Affairs of the Government.

Sent up for Concurrence.

*Resolved*, That the Sum of *Five Hundred Pounds* be allowed and paid out of the publick Treasury to the Honourable the Justices of His Majesty's Superiour Court of Judicature, &c. in proportion to the Courts they have attended the Year past. Sent up for Concurrence.

*Resolved*, That the Sum of *Two Hundred & Fifty Pounds* be allowed and paid out of the publick Treasury to *Jeremiah Allen Esq*; Treasurer of this Province for his Service the Year past in the Treasury, &c.

Sent up for Concurrence.

*Resolved*, That the Sum of *Thirty Pounds* be allowed and paid out of the publick Treasury to *John Wainwright Esq*; Clerk of the House, in part for his Service the Year Currant. Sent up for Concurrence.

*Resolved*, That the Sum of *Twenty Five Pounds* be allowed and paid out of the publick Treasury to Mr. *John Flagg*, Door-Keeper to His Honour the Lieut. Governour and this Court for his Service Half a Year, which will determine the Twentysixth of *June* Currant. Sent up for Concurrence.

*Ordered*, That a Message be sent up to His Honour and the Honourable Board to desire the Court may rise this Day.

A Message from the Board by *Addington Davenport Esq*; to inform the House that the Board are willing to sit this Afternoon if the Business of the Court can be got through.

*Voted*, That a Message be sent up to the Honourable Board to acquaint them that the House propose to Adjourn to Three a Clock this Afternoon to dispatch the Business lying before them that the Court may rise. [ 59 ]

*John Wheelwright Esq*; brought down a Petition of *Thomas Smith*, and *Abiel Walley & Margeret* his Wife, *Peter Thatcher & Hannah* his Wife, *Elizabeth & Lucy Corwin*, shewing that they brought an Action of the Case against *James Lindal* of *Salem*, Merchant, as Administrator to *Jonathan Corwin* late of *Salem Esq*; at an Inferiour Court held at *Boston April 1721*, and Recovered the Sum of *l.202 15s.* Silver Money, being so much due to the Petitioners from the Estate of their Grandfather Mr. *George Corwin* deceas'd, Father to the said *Jonathan*, and at the next Superiour Court held in the County of *Suffolk*, on an Appeal from the Judgment of the said Inferiour Court they recovered Judgment for *l.287 14s. 3d.* according to said *Corwins* Note, computing the Money at *17d. wt.* for *Six Shillings*, or in Province Bills equivalent, That at a Superiour Court of Judicature held at *Boston* for the County of *Suffolk* the said *James Lindal* Administrator as aforesaid brought forward a Writ of Review, when the Jury found for the Petitioners the Sum of *l.157 13s.* only, they having in Casting up the Interest erred to the Petitioners disadvantage the Sum of *l.130 1s. 3d.* as some of them acknowledged to the Court, after they were dismissed, Praying that as the Judgment on the Writ of Review is conclusive, and they are without Remedy in the



Law, that this Court would take the Premises into their serious Consideration, and enable them to bring forward a Writ of Review at the next Superiour Court of Judicature to be holden at *Boston* for the County of *Suffolk*, Pass'd in Council, viz. In Council *June* 20th. 1724. Read and *Ordered*, That the Petitioners serve Mr. *James Lindal* with a Copy of this Petition, and that he give in his Answer thereto (if he sees cause) on the first Day of the next Session. Sent down for Concurrence.

Read and Concurr'd.

The Report of the Committee on the Eastern Frontiers, sign'd by Order, *Wm. Tailer*, Pass'd in Council, viz. In Council *June* 20th. 1724. Read and *Ordered*, That this Report be accepted. Sent down for Concurrence.

Read and Concurr'd. Sent up.

### Post Meridiem.

Mr. *Lewis* from the Committee for Muster-Rolls, reported, On the Accompt of Disbursements of Capt. *Gyles* at *Fort-George*, which was Accepted, and thereon *Resolved*, That the Sum of *Twenty Pounds Four Shillings and Ten Pence* be allowed and paid out of the publick Treasury unto the said Capt. *John Gyles* in full discharge of the Accompt on the other side.

Sent up for Concurrence.

On an Accompt of sundry Necessaries wanting for the Sick at *Fort George*, signed *John Gyles*, The Committee are of Opinion that the Treasurer be directed to supply *Fort George*, with so many of the above-mentioned Articles, as he may judge proper and necessary. Read and Accepted, and

*Resolved*, That the Treasurer Supply Capt. *Gyles* accordingly.

Sent up for Concurrence.

On an Accompt of *Edmund Mountfort* as entred the 19th. Currant, being for sundry Disbursements in the Service of the Province, the Committee having Examined the within Accompt, are of Opinion that the Sum of *l.10 15s. 6d.* be allowed and paid out of the publick Treasury to *Edmund Mountfort* to discharge the same in full. Read and Accepted, and

*Resolved*, That the Sum of *Ten Pounds Fifteen Shillings & Six Pence* be allowed and paid out of the publick Treasury unto *Edmund Mountfort*, in full discharge of this Accompt. Sent up for Concurrence. [ 60 ]

An Accompt of *Rebeckah Holmes* for Expence of the Committees of the House in the Service of the Province, amounting to *47s.* Read and *Resolved*, That the Sum of *Forty Seven Shillings* be allowed and paid out of the publick Treasury to *Rebeckah Holmes* in full discharge of said Accompt.

Sent up for Concurrence.

The Report of the Committee on Capt. *Dwights* Letter for Supplies for the Fort above *Northfield*. Read and Accepted, and *Voted*, That the Treasurer be directed to send the Supplies within mentioned accordingly.

Sent up for Concurrence.

An Account of *Richard Hall* for the Expences of sundry Committees, including a former Account. Read and *Resolved*, That the Sum of *Five Pounds Sixteen Shillings & Three Pence* be allowed and paid out of the publick Treasury to the Accomptant *Richard Hall* in full discharge thereof.

Sent up for Concurrence.

A Petition of *William Make-Peace*, *Jonathan Blake*, and sundry others, in behalf of themselves and others, the Proprietors of the Common Lands of the Town of *Dorchester*, praying that a Resolve of this Court at their Session in *May 1722*, with a subsequent Vote for Explanation thereof, may be reconsidered that so they may not be barred in the Law, nor hindred in proceeding and acting agreeable to a Warrant they obtained from Mr. Justice *Chandler*, for assembling and doing the things, therein specified, or that may be heard before the Court, together with the Parties contending against them, that so they may have full Liberty in the Law, to proceed agreeable to the said Justices Warrant. Read and referred to the next Session for further Consideration.

Mr. *Lewis* from the Committee for Muster-Rolls, reported, On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Arthur Bragdon*, as entred the 18th. which was Read and Accepted, and thereupon *Resolved*, That the Sum of *One Hundred & Ninety Pounds Six Shillings & one penny* be allowed and paid out of the publick Treasury to Capt. *Arthur Bragdon*, the other Officers and Soldiers born on the within Roll, agreeable to the above Report in full discharge of said Roll and Disbursement of the said *Bragdon*. Sent up for Concurrence.

A Petition of *Joseph Ruggles* of *Roxbury*, setting forth that he brought an Action against one *William Gold* for a special Fraud to his Damage *Twenty Pounds*, before the Inferiour Court held for the County of *Suffolk* in *January* last, and in filing his reasons of Appeal to the then next Superiour Court of Judicature, &c. to be holden for said County, he alledged the Suit to be brought before the Inferiour Court of Common Pleas held at *Boston* for said County in *April* last, praying that the said Action may be allowed to be brought to Tryal, the mistake in the reasons of Appeal notwithstanding, Pass'd in Council, *viz.* In Council *June 16th. 1724.*

Read and *Ordered*, That the Justices of the Superiour Court be impowred and directed to allow of the Amendment of the Reasons of Appeal mentioned in the Petition, and to hear and determine the said Cause, The mistake in the said Reasons, or any Law, Usage or Custom to the contrary notwithstanding. Sent down for Concurrence, *June 17th.* Read and Concurr'd.

An Accompt of Dr. *Edward Ellis*, amounting to *l.7 17s.* as entred the 18th. Currant. Read, and the Question was put, *Whether the Accompt should be allowed and paid out of the publick Treasury?* It pass'd in the Negative. [ 61 ]

*Resolved*, That the Sum of *Fifteen Pounds* be allowed and paid out of the publick Treasury to *John Green* late a Soldier, wounded in the Service of this Province for his Support and Maintenance for the Year 1724, he being under the Command of Capt. *Joseph Heath*. Sent up for Concurrence.

An Accompt of the Commissioners of the County of *Hampshire* for Letting out the *l.100,000* Loan, beginning *February* 22d. 1722, 23, and ending *February* the 13th. 1723, 24. Read and committed to the Committee for that Service appointed the 6th. Currant, to Audit the same, and make Report of what may be proper for this Court to pass thereon.

Mr. *Lewis* from the Committee for Muster-Rolls reported, On the Muster-Roll of the Company under the Command of Capt. *John Gyles*, in His Majesty's Service at Fort *George* at *Brunswick*, viz. The Committee having examined the same, find it right Cast and Vouch'd by the Oath of the said *Gyles*, but inasmuch as the said *Gyles* hath detained part of the Wages due to *James Harper* on a former Roll, viz. *l.7 1s. 1d.* as appears to the House from a Report of a Committee on that affair, and also a further Complaint being exhibited against said *Gyles* by one *James Stevenson* on the same head, The Committee are of Opinion that *l.20* of said *Gyles's* Wages on this Roll be detained in the Treasury until he shall make it appear to this Court that he hath fully paid the said *Harper* and *Stevenson* what is justly due to them, after which the Committee are of Opinion that the remaining Sum of *l.385 1s. 8d.* be allowed and paid out of the publick Treasury to the Officers and Soldiers to whom the same is respectively due.

Read and Accepted, And

*Resolved*, That the Sum of *Twenty Pounds*, part of the Wages due to the within named *John Gyles* be detained in the Treasury until he make it appear to this Court that he hath fully paid *James Harper* and *James Stevenson* what is justly due to them, and that the remaining Sum, viz. *Three Hundred Eighty Five Pounds One Shilling & Eight Pence* be allowed and paid out of the publick Treasury to the said *John Gyles*, the other Officers and Soldiers born on the within Roll to whom the same is respectively due for their Service as within mentioned.

Sent up for Concurrence.

A Message from His Honour the Lieutenant Governour by Mr. Secretary, viz.

Mr. Speaker, His Honour the Lieutenant Governour directs this Honourable House forthwith to Attend Him in the Council Chamber.

Mr. Speaker and the House went up accordingly, and Mr. Secretary said that it was His Honour's Pleasure that this Great and General Court or Assembly should be Prorogued to Wednesday the Fifth Day of *August* next, at Ten of the Clock in the Morning. And then Mr. Secretary declared, that the said Great and General Court was Prorogued accordingly.

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# JOURNAL

## Of the House of Representatives.

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At a Great and General Court or Assembly of His Majesty's Province of the **Massachusetts-Bay** in **New-England**, Begun and Held at **Boston**, upon Wednesday the Twenty-seventh Day of **May**, (being the last Wednesday of the said Month) **Annoque Domini, 1724** and continued by several Prorogations to Wednesday the Eleventh Day of **November** next after, and then Met, being the Second Session of the said Court.

**A** *Quorum* of the House being Met, *Ordered*, That Mr. *Lewis*, Col. *Chandler* and Mr. *Remington* go up with a Message to His Honour the Lieut. Governour, to Acquaint him that a *Quorum* of the House are now Met, and ready to proceed to the Business of the Session.

A Message from His Honour the Lieutenant Governour by Mr. Secretary.

Mr. Speaker, His Honour the Lieut. Governour directs this Honourable House to Attend him in the Council Chamber.

Mr. Speaker and the House went up accordingly; and His Honour made a Speech to the Court, of which Mr. Speaker obtained a Copy, and then with the House returned to their own Chamber.

*His Honours SPEECH is as follows,*

GENTLEMEN,

**S**INCE the last Session of the General Assembly, I have Order'd a March to *Norridgewock*, which by the Signal & Remarkable Favour of Providence has been Attended with great Success, in such a Destruction of the Enemy as has not been known in any of the late Wars, and (as I hope) in the entire Dissipation of that Tribe.

SOON after the Return of the Forces from this March, I Ordered Col. *Westbrook*, with about Three Hundred Men to March to *Penobscut*, a-cross the Country from *Kennebeck-River*, as being the most likely Method of Surprizing those *Indians*; And altho' it has pleased GOD to deny us the Desired Success through some great Mistake made in our Course, by which Means the Forces fell upon the River, Forty Miles below the Fort, Yet I think the March will not be altogether Unprofitable, The Country being thereby better known to our People,

and they the more inured to the Woods; and doubtless these frequent Marches will very much Distress & Terrify the Enemy.

I have likewise Order'd a Second March to *Norridgewock*, to *Ameseconti* and *Amerescoggin* River, of whose Return I hear this Morning. [ 2 ]

THE Enemy have very much bent their Force this Summer on our Western Frontiers, but we have been so well prepared for them, that the Success has hardly answered their Expectation: However I am entirely of opinion, that we must Act yet more Offensively, in order to put an End to this War: And I doubt not but you will Cheerfully make the necessary Provisions for a sufficient Number of Soldiers for that End, and Vote your Consent for Marching them out of the Limits of the Province (if need be) in Pursuit & Annoyance of the Enemy.

I have with the Advice of His Majesty's Council, sent a Gentleman of the Government to the Governour and Assembly of *Rhode-Island*, and another to the Governour and Assembly of *Connecticut*, to Repeat our Desires to them for their Assistance in this War. What has been done on those Negotiations, as well as what Passed at the late Conference with the Six Nations at *Albany*, shall be laid before you.

WE have likewise sent instructions to our Agents humbly and earnestly to solicit His Majesty's Gracious Consideration of the Memorial of the General Assembly, (sent last Winter) Complaining of the Unjust Proceedings of the Governour of *Canada*, with Relation to the War, and some other Matters, to which I doubt not but we shall have a favourable Answer in the Spring.

COL. *Doucet* Lieut. Governour of *Nova Scotia*, has represented to me the Weak State of the Garrison at *Annapolis*; and that he cannot expect any Recruits from *Great Britain* before Winter, and has therefore desired a Supply from this Government of Thirty Men: Which Motion I promis'd him to lay before you; and I cannot but think it would be highly acceptable to His Majesty, and Recommend us to His Favour, and serve the General Interest of these Provinces, if we should allow this small Reinforcement on this Emergency.

I have often on these occasions, earnestly Recommended to you a speedy Care to Remedy the Evils that are daily encreasing upon us, by the present State of the Bills of Credit of the Province; among which, the Oppression and Discouragement the Ministers of the Gospel labour under, is none of the least, and demands your serious Attention.

THIS being your usual Session for Transacting the more Important and Publick Affairs of the Government, You will consider what is necessary for His Majesty's Service and the Good of the Province, and proceed therein with Unanimity and Dispatch. In all which, you may be assured of my Cheerful and Ready Concurrence.

Wm. DUMMER.

Read,

**Post Meridiem.**

Mr. Treasurer *Allen* was admitted into the House, and presented his Accompt of Disbursement and Monies paid for Provisions, Cloathing, &c. An Accompt of Species supplied the Forces Eastward and Westward in pay and Service of the Government, and the present State of the Treasury to this Day; and also acquainted the House, that he had a considerable Number of Bills, which were very much torn and unfit for Service, proposing a Committee may be Ordered to inspect them, &c. Which Mr. Treasurer laid on the Table, and then withdrew. Read and

*Ordered*, That Mr. *William Clark*, Capt. *Chambers*, Mr. *Lewis*, Mr. *Oulton*, Col. *Chandler*, and Mr. *Remington*, be a Committee to take under Consideration the aforesaid Accompts presented by Mr. Treasurer *Allen*, and upon Auditing the same, to report their Opinion of what may be proper for the Court to pass thereon.

Mr. Speaker communicated sundry Letters from Mr. Agent *Cooke*, dated, *London*, May 12th. June 6th. July 20 & 28th. And August 4th. & 28. 1724. inclosing sundry Papers, &c. Relating to the Publick Affairs of this Government, and the House of Representatives, at the Court of *Great Britain*, which were severally Read.

*Penn Townsend Esq*; brought down a Petition of sundry Inhabitants of the Town of *Dedham*, near the old Saw-Mill, signed *William Robbins*, &c. with the Vote of the [ 3 ] House thereon, as entred and sent up the 12th of *June* last for Concurrence, but not pass'd on at the Board the last Session.

Mr. Secretary *Willard* brought down a Letter, which he Received *per* Capt. *Barlow*, from Mr. Agent *Dummer*, dated *London*, 7th. *Sept.* 1724. inclosing sundry Papers, &c. to be Communicated to this Court, relating to the Publick Affairs thereof, at the Court of *Great Britain*, which was Read.

Then the House Adjourned till to Morrow Morning Ten a Clock.

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**Jobis Die 12. Novembris, A. D. 1724.**

THE Petition of sundry Inhabitants of the Town of *Dedham*, near the Old Saw-Mill, brought down last Night. Read, and in Answer to the said Petition,

*Voted*, That Col. *Spur* and Maj. *Quincy*, with such as the Honourable Board shall appoint, be a Committee to repair to the Lands Petitioned for to be Erected into a Township, and View the same, and Report their Opinion to this Court in their present Session, what may be proper to Order thereon.

Sent up for Concurrence.

His Honour the Lieut. Governour's Speech Read again.

*Ordered*, That *Jonathan Remington, Henry Phillips, Jonas Bond, John Quincy* and *Ezra Bourne*, Esqrs; be a Committee to consider what Acts that are Expired, or near Expiring, are proper to be Revived or Continued; and what further Acts are necessary to be made.

### Post Meridiem.

An Accompt sign'd *John French*, Amounting to 25*s.* being for Billeting Twenty-Five Men impressed into His Majesty's Service Eastward, out of Col. *Makintosh's* Regiment from *Attleborough*. Certified by Capt. *John Penhallow*. Read and

*Resolved*, That the Sum of *Twenty-five Shillings* be allowed and paid out of the Publick Treasury to Mr. *Nathaniel Carpenter*, to be by him paid to the said *John French*, in full discharge of the said Accompt. Sent up for Concurrence.

A Memorial of Capt. *Peter Joslin* of *Lancaster*, setting forth, That pursuant to an Order of Col. *Joseph Buckminster* of *September 1723*, there were Four Soldiers Posted at *Turkey Hills*, and were in the Service one Month; praying, That Pay and Subsistence may be allowed the said Soldiers, namely, *Joseph Parker, Ebenezer Greaves, Jonathan Shipley* and *Samuel Perry*.

Read & Committed to the Committee for Muster-Rolls.

*Edward Bromfield*, Esq; brought down a Letter from the Governour and Council of the Colony of *Rhode-Island*, &c. to His Honour the Lieut. Governour and General Assembly, touching their supplying and furnishing their Quota for carrying on the War.

Read.

The said Letter was accompany'd with an Accompt of *Nathaniel Byfield*, Esq; who was Ordered and Impowred by the Lieut. Governour and Council, to Attend the General Assembly of the Colony of *Rhode-Island*, &c. Which was Read. And thereupon, *Resolved*, That the Sum of *Eight Pounds eleven shillings & seven pence*, be allowed and paid out of the Publick Treasury to *Nathaniel Byfield*, Esq; in full Discharge of said Accompt. Sent up for Concurrence.

Sundry Accompts from *John Stoddard*, Esq; for Subsisting *Connecticut* Soldiers, and keeping their Horses, Certified by Col. *Goodrich*. For the Charge of sundry Persons that attended the Commissioners that went to *Albany*, and other Services, from the 25th of *May*, to the 18th of *September* past, Amounting to *l.63 11*s.* 6*d.** Also an Accompt of the said *Stoddard* for sundry Charges and Expences on several Journeys, in the Service of the Province by Order, viz. to *Albany*, to *Boston*, to *New-Haven* in the Colony of *Connecticut*, &c.

Read & Committed to the Committee for Muster Rolls.

*Ordered*, That Col. *Chandler* go up with a Message to the Honourable Board,



to inquire if they have passed on a Vote of the House of the 11th of *June* last, Sent up for Concurrence, appointing a Committee to Audit and Examin the Rolls and Accompts of Subsistence for the Forces in the County of *Hampshire*. [4]

*Resolved*, That the Sum of *Forty five shillings* be allowed and paid out of the Publick Treasury to Mr. *John Sanders* to be by him repaid to *Nathan Simmons* of *Haverhill* for himself and Horse, as he was Pilot to a Company of Troopers late in His Majesty's Service under the Command of Maj. *Matthew Whipple*, the same being omitted by the said *Whipple* in his Muster-Roll.

Sent up for Concurrence.

*Thomas Palmer*, Esq; brought down a Journal of *John Stoddard*, *Ebenezer Pomroy*, and *Joseph Kellogg* Commissioners appointed on the part of this Government to Treat with the *Maquois* at *Albany*, about the Eastern Indians, &c. Read.

*John Turner*, Esq; brought down a Journal Sign'd *Joseph Heath*, of his March to *Norridgewock*, *Ameseconti* River, &c. in *October* last. Read.

A Message from the Board by *Samuel Thaxter*, Esq; That the Board desire to speak with Capt *John Ashley* a Member of this House.

*Thomas Fitch*, Esq; brought down a Letter from Col. *Stoddard*, Dated *Northampton*, *Novemb 7th 1724*. which His Honour thought proper to Communicate; giving an Account of His Negotiation on the part of this Government with the Government of *Connecticut*, by Order of His Honour the Lieut. Governour and Council, as to their supplying and furnishing their Quota, for carrying on the War against the Indian Enemy; which was accompany'd with a Copy of a Letter from Mr. Secretary *Willard*, of the 30th of *December 1723*. to the late Gov. *Saltonstall*, setting forth the Reasons that induced this Government to enter into the War with the Indians.

Read.

A Petition of *John Darling* and *Jonathan Draper*, in behalf of themselves, and the rest of the Proprietors of that part of *Bellingham* in the County of *Suffolk*, formerly belonging to *Dedham*, praying, That the West Line of the Town of *Wrentham* may be set forth and Established, agreable to the Grants made them by the Town of *Dedham*, *Annis 1661 & 1667*, and the Determination of a Committee of the said Town of *Dedham 1671*, and the Settlement and Confirmation of this Court, *Anno 1673*, that so the Petitioners may be the better enabled to defend their just Rights and Properties.

Read & *Ordered*, That the Petitioners serve the Town of *Wrentham* with a Copy of this Petition, that so they may shew forth Cause, if any they have, on the 26th of this Instant *November*, why the prayer of the Petition should not be granted.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris Die 13. Novembris A. D. 1724.

**W**H E R E A S there are and hath been sundry Companies, and small Parties of Soldiers, under the Care of Serjeants, employed in His Majesty's Service in the County of Hampshire, for the Defence and Security of the same; and no Officer Commissionated and Impowered to have the Chief Command over them, but they have been in separte and independent Parties from each other; and are Subsisted by the Inhabitants there; and sundry Inconveniencies & Difficulties have been Experienced for want of some proper Attestation of the Services performed by the said Parties, when their Rolls and Accompts have been presented to this Court for Payment.

For preventing the like for the future:

*Resolved*, That all Rolls and Accompts for Pay and Subsistence of any of the Forces in the County of *Hampshire*, shall be presented to——— for their Audit and Examination; and that no Roll or Accompt for Subsistence from that County, shall be allowed or paid from and after the First Day of *September* last, other than such as have been Examined as aforesaid, and Certified by the said——— or any Two of them, that the Persons inserted in the Rolls have been in the Service the whole Time they stand entred therein; and that their Subsistence is accordingly due. And, That *John Stoddard*, Esq; and Mr. *Thomas Hastings* of *Hatfield*, with such other Person as shall be appointed by the Honourable Board, be and hereby are fully Authorized and Impowered to make such Examination and Certificate as aforesaid. Sent up for Concurrence. [ 5 ]

*Ordered*, That Mr. *Davenport* go up with a Message to His Honour the Lieut. Governour, to desire His Honour would please to give His Orders to the several Officers in the Pay and Service of the Government, That they send their several Muster-Rolls to the Court, as soon as may be, in order to their being passed on for Payment. And that His Honour would also please to inform the House, what Business it is that the *Maquois* who are now in Town, are come upon.

*Voted*, That Mr. Speaker, Col. *Chandler*, Capt. *Kent*, Capt. *Ashley*, Col. *Tyng* and Capt. *Hill*, with such as the Honourable Board shall appoint, be a Committee to Project some more Effectual Methods for the better Prosecuting the War against the Indian Enemy; and the bringing the same to a speedy and Honourable Issue, if it may be; and make Report thereon. Sent up for Concurrence.

A Petition of *William Jeffrye* of *Harwich*, Indian, late a Soldier in the Service of this Province, setting forth, That he received a Wound in his left Arm, as he was passing up *St. George's* River, in Company with Capt. *Winslow* and others, who were Slain by the Indian Enemy in *May* last; that the Petitioner is in a great measure rendred incapable of providing Necessaries and

Subsistence for himself and Family, by reason of the said Wound received in the Service as aforesaid, praying the Compassionate Consideration of the Court for such Relief in the Premises, as in their Wisdom to them shall seem meet. Read. And in Answer to this Petition,

*Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury, to the Petitioner *William Jeffrye*, or his Order, in Consideration of the Wound received in the Service of the Province, as within mentioned.

Sent up for Concurrence.

*Melatih Bourne* Esq; brought down the Report of the Committee appointed the 3d. of *June* last, on the Petition of sundry Inhabitants on the Westerly End of the Township of *Sherburn* as Entred that day; Sign'd *Adam Winthrop*, in behalf of the Committee: With an Accompt of the said Committees Expence, pass'd in Council, *viz.* In Council, *November* 13th. 1724. Read and

Ordered, That this Report be Accepted, and that the Petitioners pay the Charge of the Committee, Amounting to the Sum of *Ten Pounds Six shillings*. Sent down for Concurrence.

Read and Concurred with the Amendments.

Sent up for Concurrence.

A Message from the Board by *Nathaniel Byfield* Esq; That the *Maquois* have just now been in the Council Chamber, and assured the Board that they are ready to go into the War against the Indian Enemy upon suitable Encouragement.

### Post Meridiem.

The Petition of the Towns of *Taunton*, *Norton*, *Dighton*, &c. as Entred the 11th. day of *June* last, and referred to this Session. Read, together with the Answer of the several Towns, &c. who were Served with the Copy of the Petition; and the Agents of the said Towns, &c. were admitted into the House, who were fully heard to inforce their Reasons for and against the prayer of the Petition, and withdrew.

The House then entred into a Debate thereon, after which the Question was put, *Whether the Prayer of the Petition shall be granted?*

It pass'd in the Negative.

Capt. *Kent* had leave to Attend the Business of the Commissioners of the £100,000 Loan for the County of *Essex*, till *Thursday* next.

Then the House Adjourned till to Morrow Morning Ten a Clock. [ 6 ]

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### Sabbati Die 14. Novembris, A. D. 1724.

**S***ymonds Epes* Esq; brought down the Petition of *William Jeffrye*, Indian, as Entred Yesterday, pass'd in Council, *viz.* In Council, *Novemb.* 13th. 1724. Read and Concurr'd; the Money to be put into the hands of Mr. *John*

*Mayo of Harwich*, to be given out by him for the necessary Supply of the said *William Jeffrye*.

Sent down for Concurrence. Read and Concurr'd.

*It appearing to this Court by the Oaths of Isaac Stiles, and Daniel Kellogg, That Mr. Noah Ashley of Westfield on the 27th. day of August last, at a place called Pochassett, did courageously and bravely withstand a Party of Indians, who from an Ambush made a Shot on the said Ashley, and other English Men, and wounded One Man; the said Ashley turning about made a Shot on an Indian, which without doubt he slew; the said Ashley with others having the next day found the Body of an Indian, nigh the Place where he Shot the Night before, and Produced his Scalp:*

*Resolved*, That in Consideration of the good Services done this Province thereby, the Sum of *One Hundred Pounds* be allowed and paid out of the Publick Treasury to the said *Mr. Noah Ashley*. Sent up for Concurrence.

*John Turner Esq;* brought down the Petition of *James Watson, Samuel Hall and Zerubbabel Eager*, praying for Liberty for purchasing a Tract of Land at a place called *Hassanamisco*, as Entred the 6th. & 10th. of *June* last, with the Report of the Committee appointed to Repair to *Hassanamisco*, &c. pass'd in Council, *viz.* In Council, *Novemb. 14th. 1724.* This Petition being Read again, together with the Report of the Committee respecting the Lands of *Hassanamisco*, and they being duely considered.

Ordered, That this Petition be dismissed. Sent down for Concurrence.

An Accompt of the Committee appointed to Repair to *Hassanamisco*, for their Time and Expences in Travelling there and home again, Viewing the Land, &c. Signed *Wm. Tailer per Order*. Read and

*Resolved*, That the Sum of *Nineteen Pounds Ten shillings* be allowed and paid out of the Publick Treasury to the Honourable *William Tailer Esq;* in full discharge of the said Accompt. Sent up for Concurrence.

A Memorial of *Henry Farwell, James Burbeen, jun.* and others, Shewing, That they have been at the Expence of *l. 17. 4 s. 4 d.* for the burial of Lieut. *French* and Seven others who were slain by the Indian Enemy at *Dunstable* in *September* last in Fight, in Defence of the Inhabitants of this Province; praying, That they may be reimbursed the said Sum out of the Publick Treasury. Read and

*Resolved* That the Sum of *Seventeen Pounds Four shillings and Four pence* be allowed and paid out of the Publick Treasury to Capt. *Henry Hartwell*, to be by him paid to the Person or Persons to whom the same is due, in full discharge of the within Accompt. Sent up for Concurrence.

*Mr Clark* from the Committee appointed the 13th. Currant, to Audit *Mr. Treasurer Allen's* Accompts, Reported according to Order on his Accompt of Disbursements, *viz.* The Committee appointed to Audit the within Accompt of *Mr. Treasurer Allen's* Disbursements for Provisions, Cloathing and other neces-



saries for His Majesty's Forces Eastward and Westward, and other Incidental Charges, beginning *May 27. 1724* and Ending *November 11th.* following, Amounting to *l. 5924 9 s. 7 d.* having Examined the same, find it right Cast and well Vouched, and are therefore of Opinion that the Treasurer be discharged of the said Sum of *l. 5924 9 s. 7 d.*

*William Clark, per Order.*

Read and Accepted, and

*Resolved,* That Mr. Treasurer *Allen* be discharged of the said Sum of *Five thousand Nine hundred and Twenty four Pounds, Nine shillings and seven pence,* agreeable to the above Report. Sent up for Concurrence. [ 7 ]

A Petition of *Josiah Farwell* of *Dunstable*, Shewing, That he was in Company with Lieut. *French*, and others, that lately Engaged the Enemy Indians, when the said Lieut. *French*, &c. were Slain, That the Petitioner very probably had the good Fortune to Kill one of the Indians, but by reason of the Superiority of the Enemy, and being Surprized by an Ambush they had laid, he was obliged to Flee for his Escape, and in his Flight lost his Gun and Coat of some value; praying, That as he Voluntarily engaged in that Service against the Enemy, he may be allowed for his Loss what to this Court in their Goodness and Generosity shall seem meet.

Read, and in Answer to this Petition:

*Resolved,* That the Sum of *Five Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Josiah Farwell*, in full. Sent up for Concurrence.

*Thomas Palmer* Esq; brought down a Petition of *Stephen Bacon* and Five others, all settled Inhabitants upon a Tract of Land purchased of *Dedham* Men, within the Ancient Bounds of *Natick* Plantation, since been accounted to belong to *Needham*; praying, That their Lands and Inheritances which they are now the lawful Owners and Possessors of, may be Annexed to *Natick* Plantation, and accounted part of that Town during this Court's Pleasure, and to be obliged to do such Duty and Receive such Privileges as the Court shall think fit, &c. for the Reasons mentioned in the Petition. Pass'd in Council, *viz.* In Council, *November 13th. 1724.* Read and Ordered, That the Petitioners Serve the Town of *Needham* with a Copy of this Petition, that so they may give Answer thereto on the 27th. Instant, if they see Cause, and have any thing to Object why the prayer of the Petition should not be granted.

Sent down for Concurrence. Read and Concurr'd.

Then the House Adjourned till Monday next Three a Clock Afternoon.

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# VOTES

## Of the House of Representatives.

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Lunæ Die 16. Novembris A. D. 1724.

**T**HE Petition of *William Chace* and others, Inhabitants of *Shewawmet*, as Entred the 16th of *June* past, and referred to this Session. Read, with sundry Votes of the Proprietors of *Shewawmet*, respecting the Ministerial Lands there. Whereupon the following Vote pass'd, viz.

*W H E R E A S* it appears to this Court, That the Town of *Swanzey* is very willing and desirous that the Inhabitants of *Shewawmet*, should be annexed to that Town, to all Intents and Purposes forever. And Whereas there is a valuable Tract of Land formerly granted by the Proprietors of *Shewawmet*, for the Use of the Ministry there:

It is *Voted* and *Ordered*, That the Inhabitants of the Tract of Land, called and known by the Name of *Shewawmet*, together with all the Lands Circumscribed within the Bounds thereof, be and hereby are annexed to, and shall be accounted as part of the Town of *Swanzey*, and have, and exercise, and enjoy, equal Privileges with the other Inhabitants of said Town, until this Court take further Order about them; and that *Nathaniel Paine* and *Nathaniel Blackgrove*, Esqrs; with such as the Honourable Board shall appoint, be a Committee fully empowered to take effectual Care that the Lands granted in and by the Proprietors of *Shewawmet*, to and for the Use of the Ministry, together with the Incomes or Monies that have already arisen, or that shall arise by the Improvement thereof, be disposed and laid out according to the true Intent and Meaning of the Original Grants of said Lands. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a Clock.

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Martis Die 17. Novembris, A. D. 1724.

**A**Ccording to the Order of the Day, The Petition of *Joseph Underwood*, *John Cummings*, and *Jonas Prescott*, in behalf of themselves and sundry other Proprietors and Inhabitants of the Westerly part of the Town of *Chelmsford*, praying for a New Precinct, as Entred the fourth of *June* last. Read. With the Answers of the Towns of *Chelmsford* and *Littleton* thereto. And *Voted*, That the Petition be referred to the Session of this Court in *May* next, for further Consideration.

An Accompt signed *Joseph Hauley* County-Treasurer for the County of *Hampshire*, for the Year 1723. was presented for Allowance. Read. And the

Question was put, *Whether this Accompt shall be allowed?* It pass'd in the Negative; because the Accomptant has not attended the Law respecting the passing County Treasurer's Accompts for Allowance.

A Message from the Board by *John Cushing*, Esq; That the Board desire the Bill Entitled, *An Act for the Admission of Town Inhabitants*, Sent down from the Board the last Session, may be sent up.

*Jonathan Dowse*, Esq; brought down the Report of the Committee on the Petition of the Westerly End of the Township of *Sherburn*, with the Vote of the House thereon, as Entred the 13th Currant, pass'd in Council, *viz.* In Council, *Novemb. 17th 1724.* Ordered, That the Report hereto annexed be accepted in the several Articles thereof, Saving, That the Western part of *Sherburn*, as is herein Bounded and Described, be set off and constituted a Town and not a Precinct, and that a Bill be brought in to Erect the Lands into a Township accordingly. *And it is further Ordered*, That the Inhabitants of the said Western part of *Sherburn* pay the Charge of the Committee Amounting to *Ten Pounds six shillings.* Sent down for Concurrence.

Read & Concur'd. [ 10 ]

*Nathaniel Byfield*, *Thomas Fitch* and *Adam Winthrop*, Esqrs; brought down the Report of a Committee of both Houses appointed the 17th of *June* past, to consider of some proper ways for retrieving the Value of the Bills of Credit: Which is as follows, *viz.*

*In Obedience to the within Order, We have met several times, and considered what might be most proper for Retrieving the Value of the Bills of Publick Credit: And are humbly of Opinion:*

*I. THAT* the Lessening of their Number is the best way to Increase their Value: And therefore propose, That whosoever hath any part of the *Hundred Thousand Pounds*, Let out by the Province upon Loan, who had it before the Tenth of *August* last; and shall Pay in both Interest and Principal by the Thirteenth of *February* next, shall by the Commissioners that received it, be allowed *Ten per Cent.* upon the Principal Sum so Paid in; which the Commissioners shall Pay in to the Province Treasurer, who shall Discharge the Commissioners for so much Principal with the Allowance: Any Law, Usage, or Custom to the contrary notwithstanding.

*II. THAT* the General Court do Annually by a Tax upon Polls and Estates, Raise at least, so much, as the Charge of the foregoing Year did amount unto.

*III. THAT Twenty Thousand Pounds* in Province Bills of Credit be Borrowed, at *Eight Pounds per Cent. per Annum*, by the Province Treasurer: And that by a Law of the Province, sufficient Security be given to the Lenders, for the Payment both of the Principal so Lent, and of the Interest as aforesaid.

*IV. THAT* some speedy Care be taken to prevent the English *Half-Pence* passing for *Two Pence* a piece, as they now frequently do within this Province, which will certainly have a tendency to the further Disparagement of the said Bills of Credit.

*W E ask Leave Humbly to offer the following Heads to the Consideration of this Honourable Court, altho' they do not so directly come into the Order for our Appointment as a Committee.*

1. *THAT* the Acts made for *Encouraging the Raising Hemp* within this Province which will Expire in *November 1725.* be Revived, and further continued: And that in Addition thereto it may be Provided, That if one Man within this Province, shall *Bona Fide*, Raise and Bring to Market, Half a Tun of good Merchantable Water-Rotted Hemp, he shall receive for his Encouragement out of the Province Treasury the Addition of an *Half Penny per Pound.* And if any one Man shall raise a Tun of good Hemp, he shall receive the Addition of a *Penny per Pound.*

2. *THAT* whosoever shall within this Province, Make and bring to Market of the Produce of the Province, one or more Pieces of Good Sail Canvass, in Imitation of Hollands Duck, that shall contain Thirty-six Yards in Length, and full Twenty-seven Inches in Breadth, of a good even Thread, each Piece to weigh not less than Forty-four Pounds; shall Receive as a Bounty from the Province, *Six Pence per Yard.*

3. *THAT* if any Man shall Raise, within this Province, and bring to Market, Fifty Bushels of good Winter Wheat, he shall Receive as a Bounty for the same *Twelve Pence per Bushel.*

In the Name, and by Order of the Committee,

*Boston, Nov. 17th 1724.*

*N. Byfield.*

Read, and some debate was had thereon Article by Article, and the House Resolved, That they would Resolve themselves into a Committee of the whole House, to Morrow at Three a-Clock afternoon, then to Enter farther into the Consideration of the Matters and Things contained in the aforesaid Report, being of Great Consequence and Importance to the Welfare of this Province.

[ 11 ]

### Post Meridiem.

Two Accompts of Charges, signed *John Ashley*, for sundry Expresses, &c. in the County of *Hampshire*, and else where *per Order.* Read and Committed to the Committee for Petitions.

*Ordered,* That Col. *Chandler* carry up the Bill Entitled, *An Act for the Admission of Town Inhabitants;* and also that he go up with a Message to the Honour-



able Board to inquire, If they have pass'd on the Vote for Examining and Auditing the Accompts of Subsistence and Rolls of the Forces in the County of *Hampshire*.

An Accompt sign'd *Thomas How* Lieut. Col. for sundry Expresses in His Majesty's Service, and Entertaining some Soldiers appointed to Guard Stores to *Rutland*, &c. for the Service of this Province, Amounting to *l. 4 15 s. 2 d.* Read and Resolved, That the Sum of *Four Pounds fifteen shillings and two pence* be allowed and paid out of the Publick Treasury to the said Lieut. Col. *Thomas How*, in full discharge of the said Accompt. Sent up for Concurrence.

An Accompt signed *Andrew Lane*, for Copying 18 Muster Rolls of the Forces on the late *Canada* Expedition, *per Order*, Amounting to *36 s.* Read and Resolved, That the Sum of *Thirty six shillings & nine pence* be allowed and paid out of the Publick Treasury to the Accomptant *Andrew Lane*, in full discharge of the within Accompt.

Sent up for Concurrence.

An Accompt signed *Joseph Sexton* for Subsisting Capt. *Butler* and his Men, in their return home to *Connecticut* in *October* last, amounting to *17 s. 9 d.* Read and Resolved, That the Sum of *Seventeen shillings & nine pence* be allowed and paid out of the Publick Treasury to Capt. *Samuel Terrey*, for the Use of the Accomptant *Joseph Sexton*, in full discharge thereof. Sent up for Concurrence.

A Memorial of *Joseph Baldwin* of *Woburn*, shewing, That in the late Engagement against the Enemy Indians at *Dunstable*, the Memorialist lent his Horse to his Brother *Daniel Baldwin*, late a Soldier in the Service of the Province, who Rode up to the Relief of the Persons engaged with the Enemy, and had the Misfortune to be Slain by them, when the said Horse was also Killed, being of the Value of *Twelve Pounds*, Certified by sundry Persons, praying, That he may be allowed the same Sum out of the Publick Treasury, for the Reasons mentioned in the Petition. Read, and Resolved, That the Sum of *Twelve Pounds* be allowed and paid out of the Publick Treasury to Mr *Daniel Pierce*, to be by him repaid to the Memorialist *Joseph Baldwin*, in full Satisfaction for the Loss of his Horse as aforesaid. Sent up for Concurrence.

Resolved, That Mr. Treasurer *Allen* be directed to purchase Twenty-four Barrels of the best Gun Powder that can be Bought in the Powder-House, at the Cheapest Rate, for the Use of this Province. Sent up for Concurrence.

A Petition of *Zechariah Trescot*, shewing, That he had the Misfortune to be Captivated by the Indian Enemy at *Kennebeck* River, and carried to *Canada*, where he underwent great Difficulty and Hardship; and has been at great Expence in procuring his Redemption, having Borrowed of Col. *Schuyler* about

*Twenty one Pounds, Albany Money*, which he is obliged to Reimburse, altho' reduced to the lowest Circumstances by reason of his Captivity, having lost almost his whole Substance when Taken; praying the compassionate Consideration of the Court, for such Relief in the Premises as in their wonted and known Goodness shall seem meet. Which was accompanied with a Memorial of the said *Trescot*, setting forth an Accompt of his Treatment from the Indians, and the Behaviour of the *French* towards him.

Read & Committed to the Committee for Muster-Rolls.

Then the House Adjourned till to Morrow Morning Ten a Clock. [ 12 ]

*Mercurii Die 18. Novembris, A. D. 1724.*

A Memorial of *Joseph Underwood*, *John Cummings* and *Jonas Prescott*, in behalf of themselves, and sundry other Proprietors and Inhabitants of the Westerly part of *Chelmsford*, praying, That the Vote of the House pass'd Yesterday on their Petition for a Precinct, may be reconsidered, for the Reasons therein mentioned.

Read. And the Question was put, *Whether the House would reconsider the Vote pass'd on the said Petition?* Resolved in the Affirmative.

And the said Petition together with the Answers of the Towns of *Chelmsford* and *Littleton* thereto, being Read, and duely considered; *Voted*, That *Mr. Choate*, *Henry Phillips* and *Eleazer Tyng*, Esqrs; with such as the Honourable Board shall appoint, be a Committee to repair to the Lands Petitioned for, to be Erected into a Precinct, and View the same, and consider the Circumstances thereof, and of the Petitioners; and Report their Opinion, if it may be, to this Court in their present Session, whether it be convenient to Erect the Lands Petitioned for, into a Precinct, agreeable to the prayer of the Petition. And that the Towns of *Chelmsford* and *Littleton* be Notified of this Order; and of the Time when the Committee will be there: The Charge of the Committee to be born as this Court shall see Cause to Direct and Order. Sent up for Concurrence.

A Memorial of *Joseph Heath*, setting forth, That he has for some time past, delivered great Quantities of Stores, Ammunition, Slops, Cloathing, &c. to the Forces which have been Posted at *Richmond Fort*, of which he is in Command; and has performed several difficult Marches, having had the *Maquois* under his Care & Command, and Twenty Men besides those that have been Posted at the said Fort: And there being no Person but himself, Substituted by Mr. Treasurer, to deliver out the Stores, Slops, &c. to the Forces there: Praying, That he may be allowed Captain's Wages from the Time of his making up the last Muster-Roll, and so long as he shall be continued in the Command of the

said Fort. Read. And the Question was put, *Whether the prayer of the Petition be granted?* Resolved in the Affirmative.

Sent up for Concurrence.

A Petition of *Stephen Barker*, in behalf of sundry Inhabitants of *Haverhill*, &c. and parts Adjacent, praying they may be Erected into a Township, for the Reasons therein given, as Entred the 18th of *December*, and the 10th of *June* past, and referred to this Session. Read. The said *Barker* was admitted

into the House, and the Agent of the Town of *Haverhill*; who being fully heard on the Petition, they withdrew; And the House having considered the said Petition together with the Answer of the Town of *Haverhill* thereto: *Voted*, That the prayer of the Petition be granted, and that the Petitioner have leave to bring in a Bill to Erect the Lands Petitioned for into a Township accordingly, *Provided*, There be a Saving of the Right and Property of any Province Lands (if any there be) within the Bounds mentioned in the Petition, to the Province. Sent up for Concurrence.

A Message from the Board by Mr. Secretary, That the Board had deferred the Hearing appointed the 3d of *June* last, to be had this day before the whole Court, on the Petition of *Japhet* Indian, and others, till to Morrow Three a-Clock afternoon, One of the Parties not being prepared for the Hearing, and that the Board desire the Concurrence of the House therein. *Voted*, That the said Hearing be deferred till to Morrow Three a-Clock afternoon accordingly.

*Resolved*, That in Consideration of Col. *John Stoddard's* being detained Ninety-five Days in the Service of this Government, and of his good Services done the Province therein, for which he has, as yet, received nothing, That the Sum of *Forty-seven Pounds Ten shillings* be allowed and paid out of the Publick Treasury to the said Col. *John Stoddard*, in full for his Time, as aforesaid.

Sent up for Concurrence.

An Accompt of Capt. *Ebenezer Pomroy*, for Two Journeys to *Albany* in the Months of *July* & *September* last, by Order of His Honour the Lieut. Governour being Sixty-seven Days in the Service. Read and *Resolved*, That the Sum

of *Thirty-three Pounds Ten shillings* be allowed and paid out of the Publick Treasury to Capt. *Ebenezer Pomroy*, in full discharge of said Accompt. Sent up for Concurrence. [ 13 ]

A Petition of *John Austen jun.* of *Norton*, late a Soldier in the Service of this Province, shewing, That as he was under the Command of Capt. *Edmund Ward* & Lieut. *Larraby*; the said *Ward* carried him out in his Muster-Roll in *October* 1723. short of the Time that he was actually out in the Service, Six Weeks and One Day, which the Petitioner supposes was casually omitted by the said *Ward* & *Larraby*, praying That he may be now allowed the Wages due to him for his aforesaid Service. Read, and in Answer to this Petition, *Resolved*, That

the Sum of *Three Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *John Austen jun.* in full for the aforesaid Service. Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported on the Accompts of Charge of Col. *John Stoddard*, as Entred the 12th. Currant, *viz.* The Committee having Examined the within Accompt sign'd by Col. *Stoddard*, find it right Cast, and what is charged, reasonable, are therefore of Opinion that the Ballance of said Accompt, *viz. l. 12 16 s. 3 d.* be allowed and paid out of the Publick Treasury to Capt. *Ebenezer Pomroy*, (or in his Absence to Capt. *Thomas Wells*) to be by him paid to Col. *John Stoddard* in full discharge thereof.

Read and Accepted, and

*Resolved*, That the Sum of *Twelve Pounds Sixteen shillings and Three pence* be allowed and paid out of the Publick Treasury to Capt. *Ebenezer Pomroy*, or Capt. *Thomas Wells*, for the use of Col. *John Stoddard* in full discharge of said Accompt.

Sent up for Concurrence.

On Col. *Stoddard's* Accompt of Subsistence for the *Connecticut* Forces, certified by Col. *Goodrich*, &c. which was Read and Accepted, and thereupon,

*Resolved*, That the Sum of *One hundred and Thirty pounds One shilling and seven pence half penny* be allowed and paid out of the Publick Treasury to Capt. *Ebenezer Pomroy*, (or in his Absence to Capt. *Thomas Wells*) to be by him paid to Col. *John Stoddard*, to discharge the within Accompts in full, agreeable to the said Report.

Sent up for Concurrence.

### Post Meridiem.

The House according to the Order of the Day, *Resolved* themselves into a Committee of the whole House, to Consider of the Matters and Things contained in the Report of the Committee of both Houses, for Retrieving the Value of the Bills of Credit. Mr. Speaker left the Chair.

*Voted*, That Mr. *Wainwright* be Chairman of the Committee: The Committee then Entred into the Consideration of the said Report, and debated largely thereon, Article by Article, till they had gone through the whole Report.

Mr. Speaker re-assumed the Chair: And then

Mr. *Wainwright* from the Committee of the whole House Reported, That the said Committee had gone through the Report of the Committee of both Houses, for considering some proper Methods for Retrieving the Value of the Bills of Credit, and that the said Committee of the whole House had not accepted the said Report; but that they had agreed to another Resolution as a



very probable Method for Retrieving the Value of the Bills of Credit, which he laid on the Table.

The Report of said Committee was Read, and Accepted by the House.

Several Accompts of Charge and Disbursements of Col. *John Schuyler* advanced to and supply'd the Commissioners that were sent to Treat with the *Maquois* at *Albany*, about the Eastern *Indians*, signed *John Stoddard*, *Ebenezer Pomroy*.

Read, and Committed to the Committee for Petitions.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

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Printers to the Honourable House of Representatives. 1724. [15]

# VOTES

## Of the House of Representatives.

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Jobis Die 19. Novembris A. D. 1724.

**M**R. Speaker Communicated a Letter he received from Mr. *John Norton*, a Member of this House praying he may be Excus'd from attending his Duty in this present Session, for the Reasons in the said Letter given. Which was Read & accepted.

The several Letters & Papers, &c. received from Mr. Agent *Cooke*, Read again; and *Voted*, That they be sent up to the Honourable Board.

### Post Meridiem.

A Memorial of *Henry Morris* and *Robert Perkins* of *Ipswich*, shewing, That the said *Morris* was lately Captivated by the Indian Enemy, and had his Vessel and all that he had, taken from him and carried to *Penobscut*; and the Indians let the said *Morris* have a Schoner, which they also took, belonging to one *Josiah Wallis* of *Glocester*, to come to *New-England* to Redeem himself, and the other Persons Captivated by the said *Penobscut* Indians; which the said *Morris*, upon Application made, found was not Advisable: That the Petitioners went out on a Fishing Voyage, and putting into *Casco Bay*, Col. *Thomas Westbrook* impressed the Petitioner *Morris* to go as Pilot to the Forces then bound on an Expedition to *Penobscut*; who accordingly proceeded, and did not Return till the 24th of *October* following; so that the Petitioner *Perkins* could not proceed on the Fishing Voyage aforesaid, having no body to undertake the said Voyage with him: Praying that this Court would allow for the Service of the Petitioner *Morris* as Pilot, as well as the Damage the Petitioners have sustained, by being rendred incapable of making their Fishing Voyage, and Detention of the Schoner from the Owner *Wallis* aforesaid, as to this Court shall seem meet.

Read, and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company of Sailors in His Majesty's Service under the Command of Capt. *Joseph Majory*, in the Sloop *Larke*, with the Hire of said Sloop, being sent out as a Guard and Convoy to the Fishery: With an Accompt of Disbursements of the said *Majory*, on the said Cruise. Read, and Committed to the Committee for Muster-Rolls.

A Message from His Honour the Lieut. Governour by Mr. Secretary, *viz.*

Mr. Speaker,

His Honour the Lieut. Governour expects this Honourable House to attend him in the Council Chamber, on the Hearing appointed to be had this Afternoon, on the Petition of *Japhet* Indian and others of *Nantucket*.

Mr. Speaker and the House went up accordingly. And the Parties being admitted, and fully heard by their Council learned in the Law, they withdrew; and Mr. Speaker with the House returned to their own Chamber.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

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**Veneris Die 20. Novembris, A. D. 1724.**

**A** Muster-Roll of the Sloop *Seaflower*, *Simon Slocum* Master, being a Transport in His Majesty's Service Eastward.

Read, and Committed to the Committee for Muster-Rolls. [ 16 ]

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Jeremiah Moulton*. Read, and Committed to the Committee for Muster-Rolls.

An Accompt signed *Benjamin Rolfe*, amounting to *l. 40 7 s.* for Writing in and for the Service of this Government. Read, and Committed to the Committee for Petitions.

*Joseph Hammond*, Esq; brought down a Bill Entitled, *An Act for Dividing the Town of Sherburn, and Erecting a new Town there, by the Name of Holliston*. Pass'd in Council, viz. Read Three several Times, and pass'd to be Engross'd.

Sent down for Concurrence.

A Bill Entitled, *An Act for Repealing an Act Made & Pass'd in the Eighth Year of His Majesty's Reign*, Entitled, *An Act in Addition to the Act directing the Admission of Town Inhabitants*. Pass'd in Council, viz. Read Three several Times and pass'd to be Engross'd. Sent down for Concurrence.

*Adam Winthrop*, Esq; brought down a Bill Entitled, *An Act for altering the Times for Holding the Superiour Court of Judicature, Court of Assize, and General Goal Delivery for the County of Suffolk*. Pass'd in Council, viz. In Council Read Three several Times and pass'd to be Engross'd Sent down for Concurrence. And,

The following Vote of Council, viz. In Council, *Novemb. 18th 1724. Whereas divers small Parties drawn out of the Militia in the County of Hampshire, have from time to time upon the Appearance of the Enemy, Issued out for the Relief of the Frontiers, and pursuit and annoyance of the Enemy, and great Difficulties have arisen in Adjusting the Accompts of the Wages and Subsistence of the said Men, as also of the Subsistence of the Connecticut Soldiers which have been occasionally employed on our Frontiers:*

*Voted*, That Col. *John Stoddard* and Mr. *Thomas Hastings* of *Hatfield*, be desired to Examin and Audit the Accompts of Wages and Subsistence of the Militia and *Connecticut* Soldiers, which have been occasionally employed as aforesaid, and Certife thereon, that the Service has been duly performed.

Sent down for Concurrence.

Read & Concurr'd, with the Amendments, *viz. After the Words* — of *Hatfield*, — *add* — and Capt. *John Ashley* of *Westfield*, or any Two of them, — *and between the Words* — which have — *and* — been occasionally — *add* — or shall be, —

Sent up for Concurrence.

A Petition of *Jacob Ames*, shewing that he was one of the Weekly Scouts near the Garrisons on the Westerly part of the Town of *Groton*; and on the Ninth Day of *July* last, when it was the Petitioners Week to be on Duty, a Number of Indians appeared at the Garrison of the Petitioners Father *John Ames*, and killed him at the Gate, and then rush'd violently into the Garrison to surprize the People there. And the Petitioner did with Courage and Resolution by himself defend the Garrison, and beat off the Indians, Slew one of them and Scalp'd him; praying, That altho' it happened to be his Week to be on Duty, that this Court would take the Premises into their wise and serious Consideration, and grant what other Allowance more than the Establishment by Law, shall to them seem meet, for his aforesaid Service. Read, and in Answer to this Petition. *Resolved*, That over and above the *Fifteen Pounds* due to the Petitioner by Law, for recovering the said Scalp, and the good Services done this Province thereby, the Sum of *Fifteen Pounds* be allowed and Paid out of the Publick Treasury to the said *Jacob Ames* for his good Service as abovesaid.

Sent up for Concurrence.

### Post Meridiem.

A Petition of *Benjamin Hobart*, *Nathaniel Thayer*, and sundry others, Inhabitants of the South Precinct in *Brantrey*, shewing, That whereas the Precinct Meeting there, stands very much out of the Center of the Precinct, that this Court would please to take Order about it, that it may be moved near or to the Center thereof, for the Accommodation of the Parishioners, for the Reasons therein mentioned. Read and, *Ordered*, That the Petitioners serve the South Precinct in *Brantrey* with a Copy of this Petition, that they may shew Cause to this Court, if any they have, on the first Day of *December* next, why the prayer of the Petition should not be granted.

Sent up for Concurrence. [ 17 ]

A Petition of Mr. *Benjamin Whittemore*, for and in behalf of *Elizabeth Druice* Widow of *John Druice* late a Soldier, Slain by the Indian Enemy Eastward, shewing, That the said *John Druice* was on the late Expedition to *Canada*, a Soldier in the Regiment under the Command of Col. *Vetch*, and in the particular Company of Capt. *William Decon*, praying, That she may be enabled to receive the 50 s. out of the Treasury, which was granted to each of the Soldiers on that Expedition, as an Equivalent for the Bounty of her late Majesty Queen *A N N E*. Read, and in Answer to this Petition, *Resolved*, That the Treasurer be directed



to Pay out of the Publick Treasury to the Petitioner *Elizabeth Druice*, or her Order, the Sum of *Fifty shillings*, for so much due to her late Husband as afore-said: Any Order of this Court to the contrary notwithstanding. Sent up for Concurrence.

*Ordered*, That Mr. *Lewis*, Mr. *Remington* and Col *Chandler*, be a Committee to prepare a proper Resolve for Supply of the Treasury.

A Petition of *Daniel Powning*, Keeper of the Powder-House in *Boston*, praying, That the Stated Salary for Keeping the said House, &c. may be Raised, for the Reasons therein given. Read, and the Question was put, *Whether the prayer of the Petition shall be granted.* It pass'd in the Negative.

A Bill Entitled, *An Act for dividing the Town of Sherburn, and Erecting a New Town there, by the Name of Holliston.* Read a first Time.

A Bill Entitled, *An Act for Altering the Times for Holding the Superiour Court of Judicature, Court of Assize, and General Goal Delivery for the County of Suffolk.* Read a first Time.

A Bill Entitled, *An Act for amending of Errors and Defects in Reasons of Appeal, and the better advancement of Justice.* Read Three several Times in Council, and pass'd to be Engross'd. Sent down for Concurrence. Read a first Time.

A Muster-Roll of the Company in His Majesty's Service, under the Command of Capt. *Joseph Heath* at *Richmond Fort.* Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Serjeants Company in His Majesty's Service at *Maquoit* under the Command of *James Woodside.* Read and Committed to the Committee for Muster-Rolls.

*Daniel Oliver*, Esq; brought down the Report of the Committee appointed on the Petition of *Benjamin Wanno* in behalf of all the Indian Proprietors of *Ketiticut*, as Entred the 18th and 19th of *June* past. Sign'd, *Samuel Thaxter*, *John Quincy* and *Jacob Tompson.* Pass'd in Council, viz. In Council, *Novemb. 20. 1724.* Read and Ordered, That this Report be accepted. Sent down for Concurrence.

Read & Concurr'd.

An Accompt of the Time & Expence of the said Committee, signed *Samuel Thaxter*, Amounting to *l. 5 18 s.* pass'd in Council, viz. In Council, *November 20. 1724* Read and sent down. Read and Resolved, That the Town of *Bridgewater* pay to the said *Samuel Thaxter* in part of this Accompt the Sum of *Two pounds Nineteen shillings*, and that the said *Benjamin Wanno* and others the Indian Proprietors of *Ketiticut* pay the remaining part of the said Accompt, viz. the Sum of *Two pounds Nineteen shillings* to the said *Samuel Thaxter*, in full of the within Accompt.

Sent up for Concurrence.

A Petition of *Ephraim Moore*, setting forth that he was in the Service enlisted under the Command of Capt. *William Cox*, who went with two Schoners in Quest of the Indian Enemy, and that in *July* last in an Engagement with the Indians at *Mount Desart*, the Petitioner had the Misfortune to be wounded, and had his Left Arm broken, whereby he has wholly lost the use thereof, and has been at the Expence of of *l. 27* for Doctors, Nursing, Attendance, &c. praying that this Court would please to Order that the said Sum may be Re-imbursed to him, and further that such Allowance may be made him for his Support, as in their Compassion & Justice shall seem meet. Read and Committed to the Committee for Petitions. [ 18 ]

A Petition of *Mary Siggorney*, shewing, That her Husband *Samuel Siggorney* was a Soldier in the Service of this Province Eastward in Lieut. *Olivers* Company, and was taken by the Indian Enemy, and by them Sold to the French at *Canada* for Forty two Crowns for Two Years, as appears by a Letter from the said *Samuel Siggorney*, dated *October 15th. 1724.* Praying that she may be allowed to receive her Husbands Wages for her Support, and that he may be continued in the pay of the Government till a way can be found out for his Redemption. Read and Resolved, That the Petitioner have Liberty to receive what Wages was due to her Husband at the Time he was Captivated by the Indians; and that the Treasurer be directed and impowred to pay the same accordingly. Sent up for Concurrence.

A Petition of *Nathan Chaice*, shewing, That he was a Trooper in the Service of this Province in the Year 1723. under the Command of Capt. *John March*, and that while he was in the Service his Horse dyed, and was of the Value of Ten Pounds, praying, That the said Sum may be allowed him out of the Publick Treasury for the reasons therein mentioned. Read, and the Question was put, *Whether the prayer of the Petition shall be granted?* It pass'd in the Negative.

An Accompt of *Timothy Nash* of *Springfield* for four Meals of Victuals and Drink, for Indian Soldiers under the Command of Capt. *John Williams*, Amounting to 11 s. 8 d. Read and Resolved, That the Sum of *Eleven shillings & Eight pence* be allowed and paid out of the Publick Treasury to Mr. *John Nash*, for the use of the Accomptant, in full. Sent up for Concurrence.

A Petition of *Jathniel Peck*, setting forth that he was a Soldier late in the Service of this Province, under the Command of Capt *Samuel Wheelwright*, and was afterwards by His Honour's Order to Col. *Westbrook* dismissed the Service, that Capt. *Wheelwright* in making up his Muster Roll, carried out as due to the Petitioner, as he says 36 s. 4 d. short of what his Wages Amounted to, praying that the same may be now Allowed for the reasons given. Read and Resolved, That the Sum of *Twenty one shillings* be allowed and paid out of

the Publick Treasury to Mr. *Edward Shove*, for the use of the said *Jathiel Peck*, in full for the aforesaid Service.

Sent up for Concurrence.

A Message from the Board by *Thomas Palmer Esq*; That the Board desire to know if the House have passed on the Report of the Committee of both Houses appointed to consider of some Methods for the Retrieving the Value of the Bills of Credit.

A Petition of *Joseph Snell, Ephraim Fobes, Daniel Howard and Robert Howard* of *Bridgewater*, setting forth that they have Fenced in, and improved a Parcel of Land lying on the North side of *Bridgewater* Line, which this Court lay claim to as belonging to the Province, and the Petitioners supposed might be included within their own purchases, when they inclosed the same, praying they may be allowed to purchase the said Lands for a valuable Consideration. Read and in Answer to this Petition.

*Voted*, That *John Quincy and Robert Spurr Esqrs*; with such as the Honourable Board shall appoint be a Committee to make Sale of the Lands within mentioned and described for the most it will fetch, giving the preference to the Petitioners, and in their Valuation of the same, the Improvements made by the Petitioners thereon are not to be accounted as part; the Money to be returned into the Publick Treasury. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a Clock. [ 19 ]

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**Sabbati Die 21. Novembris, A. D. 1724.**

A Petition of *William Makepeace, Jonathan Blake*, and sundry others, in behalf of themselves and sundry others the Proprietors of the Common Lands of the Town of *Dorchester*, praying, as Entred the 20th of *June* last, and referred to this Session. Read, and the Parties concerned therein were Admitted into the House, and were fully heard, both for and against the prayer of the Petition, and then they withdrew. And the House entred into a debate thereon, and after having fully considered the same:

*Voted*, That this Petition be dismissed, inasmuch as the Petitioners have their Remedy at the Common Law. Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster Rolls, reported, *viz.*

On the Muster Roll of the Sloop *Seaflower*, *Simon Slocum* Master, as entred the 20th Currant: The Committee having examined the within Muster Roll, find it right Cast and well Vouch'd by the said *Slocum's* Oath, are therefore of opinion, that the Sum of *l. 113 15 s.* be allowed and paid out of the Publick Treasury to the said *Simon Slocum*, to discharge the same, with the Sloop Hire, in full. Read and Accepted, and *Resolved*, That the Sum of *One hundred*

and *Thirteen pounds Fifteen shillings* be allowed and paid out of the Publick Treasury to the said *Simom Slocum*, to be by him repaid to the person or persons to whom the same is respectively due, in full discharge of the Wages and Sloop hire of the said Sloop, as within mentioned.

Sent up for Concurrence.

On the Muster Roll of the Company of Sailors in His Majesty's Service under the Command of Capt. *Joseph Majory*, as entred the 19th. The Committee having examined the within Muster Roll of the Sloop *Larke*, her Hire, &c. *Joseph Majory* Commander, find it right Cast and Vouched by the Oath of the said *Majory*: But *whereas the said Majory stands at l. 14 per Month*, and *John Broughton Master at l. 6 per Month*, and *Richard Shute entred Pilot for Three Weeks and Five Days, at l. 4 per Month*. The Committee are of opinion, That the Captain's pay be reduced to *l. 11 per Month*, as Captain and Pilot, &c. and the Master to *l. 5 per Month*; and therefore that the Sum of *l. 9 7 s. 10 d.* be deducted out of the said Capt *Majory's* Wages, and also that the Sum of *48 s. 6 d.* be deducted from said Master's Wages, and further that the Sum of *l. 3 10 s. 10 d.* allowed and charged to *Richard Shute* as Pilot, be also deducted from said Capt. *Majory's* Wages, after which deductions Amounting to *l. 15 17 s. 2 d.* there be paid out of the Publick Treasury to Capt. *Joseph Majory* the Sum of *l. 277 6 s. 3 d.* to be by him paid to the several Persons born on this Roll, in full discharge thereof; and the Hire of the said Sloop, amounting to *l. 73 4 s. 4 d.* be allowed and paid out of the Treasury to the Owner of the said Sloop, or his Order. Read, and accepted and *Resolved*, That the Sum of *Two hundred seventy seven pounds six shillings & three pence* be allowed and paid out of the Publick Treasury to Capt. *Joseph Majory*, to be by him paid to the Person or Persons to whom the same is respectively due, in full discharge of the Wages due on the within Roll, agreeable to the above Report: And that the further Sum of *Seventy three pounds four shillings & four pence* be allowed and paid out of the Publick Treasury, to the Owner of the said Sloop *Larke*, or his Order, in full discharge of the Sloop Hire.

Sent up for Concurrence.

On the Accompt of Disbursements of the said Capt. *Joseph Majory*, The Committees Report was accepted, and thereupon *Resolved*, That the Sum of *Thirteen pounds fifteen shillings & nine pence*, be allowed and paid out of the Publick Treasury to Capt. *Joseph Majory*, in full discharge of said Accompt.

Sent up for Concurrence.

On the Petition of Capt. *Peter Josline*, as entred the 21st, The Committee having made Inquiry into the Grounds of this Petition, and received full Satisfaction thereon, are of Opinion, that the Sum of *l. 3 4 s.* be allowed and paid out of the Publick Treasury, to each of said Soldiers, for Wages and Subsistence,



*viz. Joseph Parker, Ebenezer Greaves, Jonathan Shipley and Samuel Perry*, amounting to *l. 12 16 s.* in full discharge of the same. Read, and accepted, and Resolved, That the Sum of [ 20 ] *Twelve pounds sixteen shillings* be allowed and paid out of the Publick Treasury to the said *Joseph Parker, Ebenezer Greaves, Jonathan Shipley and Samuel Perry*, in equal Proportion in full Satisfaction of the within Memorial.

Sent up for Concurrence.

On the Muster-Roll of Capt. *Jeremiah Moulton*, as Entred the 20th, The Committee having Examined the same, find it right Cast, and Vouched by the Oath of said Capt. *Moulton*; but *Whereas Jeremiah Evans has left the Service, and carried off with him one of the Province Arms, and the Wages remaining due to him is said to be l. 5 17 s. 1 d. and William Hewet and Robert Vane, are returned Deserters, to whom there remains due, 17 s. 6 d. to Hewet, & 31 s. 3 d. to Vane:* Which Three Sums making *l. 8 5 s. 10 d.* the Committee are of Opinion ought to be deducted from the whole Wages, *Evans's* until he return in good Order the Gun by him taken away: After which Subductions, that the remaining Neet Wages amounting to *l. 326 18s. 8d.* be allowed and paid out of the Publick Treasury to the Officers and Soldiers to whom the same is respectively due, in full Discharge thereof. Read and accepted, and Resolved, That the Sum of *Three hundred twenty six pounds eighteen shillings and eight pence* be allowed and paid out of the Publick Treasury to the said Capt. *Jeremiah Moulton*, the other Officers and Soldiers born on the within Roll, agreeable to the above Report, in full discharge of the Wages thereof. Sent up for Concurrence.

On the Petition of *Joseph Peck*, lately Deserted from His Majesty's Service, Eastward, and since returned to his Duty, on His Honour the Lieut. Governour's Proclamation, and performed what is therein required, The Committee upon Examination finding that the Petitioner *Joseph Peck* return'd to his Duty, as set forth in the Petition, are therefore of Opinion, That his Wages, *viz. l. 4 10 s.* upon the Roll of Col. *John Wheelwright*; and also *35 s. 11 d.* upon the Roll of Capt. *Samuel Wheelwright*, be no longer detained from him; but that his said Wages upon both said Rolls, amounting to *l. 6 5 s. 11 d.* be allowed and paid out of the Publick Treasury, to the said *Joseph Peck*, in full discharge. Read and accepted, and Resolved, That the Sum of *Six pounds five shillings & eleven pence*, be allowed and paid out of the Publick Treasury to the said *Joseph Peck*, in full for so much stop'd in his Wages formerly, for the Reasons mentioned in the Petition. Sent up for Concurrence.

*Joseph Hammond*, Esq; brought down a Petition of *George Jackson* and *Richard Cut*, shewing, That in the Month of *July* last, they Voluntarily went out in Quest of the Indian Enemy Eastward, who were Cruizing on the Fishing Coast in an English Schoner they had taken, and engaged them, and received

Two grievous Wounds in the Action; praying the Compassion of the Court for Relief in the Premises. Pass'd in Council, *viz.* In Council, *Novemb.* 21. 1724. Read and sent down.

Read & Committed to the Committee for Petitions.

*Paul Dudley*, Esq; brought down a Petition of *Henry Howland*, Select-Man and Assessor in and for the Town of *Dartmouth*, in behalf of the said Town, setting forth, That the Two other Assessors and Select Men of said Town, are Imprisoned in His Majesty's Goal, in the County of *Bristol*, whereby the Petitioner is rendred incapable of Acting by himself, or Assessing the said Town in the Province Tax laid on them by this Court, for the present Year: Praying, That he may be informed what proper Methods to take, in order to make the said Rates. Pass'd in Council, *viz.* In Council, *Novemb.* 21st 1724. Read & Ordered, That *Nathaniel Byfield* and *Adam Winthrop*, Esqrs; with such as the Honourable House of Representatives shall appoint, be a Committee to Consider & Report what they think proper for this Court to do on this Petition. Sent down for Concurrence. Read & Concur'd. And

*Ordered*, That *Mr. Stone*, Col. *Chandler* and *Mr. John Payne* be joyned in the Affair.

Then the House Adjourned till Monday next Three a-Clock Afternoon.

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# VOTES

## Of the House of Representatives.

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Lunæ Die 23. Novembris A. D. 1724.

A Memorial of *James Woodside*, praying for Allowance for Haling Wood to the Garrison at *Maquoit*, for Two Years past. Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service, under the Command of Lieut. *John Lane*. Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Jeremiah Moulton*. Read and Committed to the Committee for Muster-Rolls.

An Accompt of *Alexander Bullman*, Chyrurgeon in the Service of this Province, to the Forces Eastward, from *October 2d 1723.* to *Novemb. 18th 1724.* at 40 s. per Week. Examined per Mr. Treasurer. Read and Resolved, That the Sum of *One Hundred & eighteen pounds* be allowed and paid out of the Publick Treasury to Dr. *Alexander Bullman*, in full Discharge of the within Accompt. Sent up for Concurrence.

Two Accompts of Dr. *George Jackson*, for sundry Medicines, Nursing, Attendance, &c. on some soldiers in the Service of this Province Eastward.

Read and Committed to the Committee for Petitions.

An Accompt of Dr. *Thomas Hastings* of *Hatfield*, for Medicines, Boarding, Nursing, Attendance, &c. on sundry Soldiers wounded in the Service of this Province in the County of *Hampshire*, amounting to *l. 20 13 s. 5 d.* Read and Resolved, That the Sum of *Twenty pounds thirteen shillings & five pence* be allowed and paid out of the Publick Treasury to Dr. *Thomas Hastings* in full discharge of said Accompt.

Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported on the Petition of *John Williams* a Deserter from His Majesty's Service Eastward, and since returned to His Duty on His Honour the Lieut. Governour's Proclamation, and performed what is therein required: The Committee upon Examination finding that *l. 4 10 s.* due to the Petitioner *John Williams* on Col. *John Wheelwright's* Muster-Roll, and *54 s. 1 d.* on the Roll of Capt. *Samuel Wheelwright*, was not allowed and paid to him; and he having complied with the Proclamation as set forth within, are of Opinion, That the said Two Sums amounting to *l. 7 4 s. 1 d.* be allowed and paid to the said *John Williams* out of the Publick Treasury in full discharge. Read and accepted, and Resolved, That the Sum

of *Seven pounds four shillings & one penny* be allowed and paid out of the Publick Treasury to the said *John Williams*, for the like Sum stop'd out of his Wages formerly for the Reasons mentioned in the Petition.

Sent up for Concurrence.

*Paul Dudley*, Esq; brought down several Votes and Resolves, received from the Government of *Connecticut*, respecting the Indian War, and their supplying and furnishing their Quota for carrying it on. Read.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

**Martis Die 24. Nobembris, A. D. 1724.**

**V**Oted, That Mr. *Torrey* be added to the Committee on the Petition of *Henry Howland*, as Entred the 21st, in the room of Col. *Chandler*. [ 22 ]

A Petition of *Samuel Clap*, *Job Randal* and seventy others, Inhabitants of *Scituate*, shewing, That in Ancient Times about Four or Five Thousand Acres of Land was assigned for a perpetual Common in *Scituate*, which many of the Inhabitants are now labouring to divide into small Parcels among the Inhabitants in General, praying, That this Court would Ratify and Confirm the same, for a perpetual Common, not to be divided at all. Read & Ordered, That the Petitioners serve the Town of *Scituate* with a Copy of this Petition, that so they may give their Reasons, if any they have, on the second *Wednesday* of the next Session of this Court, why the prayer thereof should not be granted.

Sent up for Concurrence.

An Accompt of *Bartholomew Green* and *Samuel Kneeland* for Paper and Printing the Journal of this House in the *May* Session, amounting to *l. 22 9 s. 6 d.*

Read, and Resolved, That the Sum of *Twenty two pounds nine shillings & six pence*, be allowed and paid out of the Publick Treasury to the said *Bartholomew Green* and *Samuel Kneeland*, in full discharge of the said Accompt.

Sent up for Concurrence.

An Accompt signed *Rowland Dike*, for Victualling the *Maquois* lately come from *Albany*, amounting to *l. 15 15 s.* Read and Committed to the Committee for Petitions.

An Accompt of *Luke Vardy* for Victuals and Drink for the said *Maquois*, amounting to *19 s. 6 d.* Read and Committed to the Committee for Petitions.

A Motion being made and seconded by several Members, That the House would reconsider their Vote of the 17th Currant, on the Accompt of *Joseph Hanley*, County-Treasurer for the County of *Hampshire*; for that the Accompt was timely delivered to Capt. *Pomroy*, who was coming to *Boston* in *May* last, but was sent to *Albany* in the Service of the Government, and thro' Mistake



carried the said Accompt with him there. And the Question was put, *Whether the House would reconsider the said Vote?* Resolved in the Affirmative. And then the Question was put, *Whether this Accompt shall be allowed?* Resolved in the Affirmative.

Sent up for Concurrence.

*Resolved*, That the Sum of *Twenty four shillings* be allowed and paid out of the Publick Treasury to *Jonathan Remington*, Esq; and that the further Sum of *Forty shillings* be allowed and paid out of the Publick Treasury to *John Quincy*, Esq; they being of the Committee of both Houses, appointed to Sit in the Recess of the Court, to consider of some proper Methods for Retrieving the Value of the Bills of Credit, and attended that Service in the Town of *Boston*, which called them from their particular Business and Homes. Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, *Viz.*

On the Muster-Roll of the Company under the Command of Capt. *Joseph Heath*, The Committee having Examined the same, consisting of Two Sheets, from *June 13th 1724* to *November 20th* Instant, find the same right Cast and well Vouched by the Oath of the said Capt. *Heath*, and are of Opinion, That the Sum of *l. 552 7 s. 8d.* be allowed and paid out of the Publick Treasury to the respective Officers and Soldiers born on this Roll, to whom the same is due, in full discharge thereof. Read and accepted, and *Resolved*, That the Sum of *Five hundred fifty two pounds seven shillings & eight pence* be allowed and paid out of the Publick Treasury to the said Capt. *Joseph Heath*, the Officers and Soldiers born on the within Roll to whom the same is respectively due, in full discharge of the Wages thereof.

Sent up for Concurrence.

On the Accompt of Disbursements of Capt. *Heath*, for sundrys delivered the *Maquois* at *Richmond* Fort, The Committee having Examined the within Accompt, find it right Cast, and Vouch'd by the Oath of Capt. *Heath*, are therefore of Opinion, That the Sum of *l. 7 8 s. 9 d.* be allowed and paid out of the Publick Treasury, to the said *Heath*, in full discharge thereof. Read and *Resolved*, That the Sum of *seven pounds eight shillings & nine pence* be allowed and paid out of the Publick Treasury to Capt. *Joseph Heath*, in full discharge of this Accompt.

Sent up for Concurrence. [ 23 ]

On the Muster-Roll of Lieut. *John Lane*, The Committee find it right Cast, and Vouch'd by the Oath of the said Lieut. *Lane*, are therefore of opinion, That there be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on this Roll to whom the same is respectively due, the Sum of *l. 446 12 s.* in full discharge thereof. Read and accepted, and *Resolved*, That the Sum of *Four hundred & forty six pounds twelve shillings* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the

within Roll, to whom the same is respectively due, in full discharge of the Wages thereof.

Sent up for Concurrence.

On the Muster-Roll of the Company under the Command of Capt. *Jeremiah Moulton*, as Entred Yesterday; which was Read and accepted, and thereupon *Resolved*, That the Sum of *Nine hundred twenty nine pounds two shillings & one penny* be allowed and paid out of the Publick Treasury to Capt. *Jeremiah Moulton*, the other Officers and Soldiers born on this Roll, to whom the same is respectively due, in full discharge of the Wages thereof.

Sent up for Concurrence.

On the Muster-Roll of the Company under the Command of Serjent *James Woodside*; which was Read & accepted, and thereupon *Resolved*, That the Sum of *Three hundred & forty seven pounds seventeen shillings & one penny* be allowed and paid out of the Publick Treasury to Serjent *James Woodside*, and the Men born on the within Roll to whom the same is respectively due, in full discharge of the Wages thereof.

Sent up for Concurrence.

On the Petition of *James Woodside* as entred Yesterday, The Committee having Examined and made Enquiry into the Grounds of the Petition on the other side, and heard what was offered by the Petitioner, are of opinion, That the Sum of *seven pounds ten shillings* be allowed and paid out of the Publick Treasury to the said *James Woodside* in full discharge thereof. Read. And the Question was put, *Whether the House would Accept the Report?* It pass'd in the Negative.

Sundry Accompts of Meals, Horses Service, Subsistence, Expresses, &c. in the Service of this Province in the County of *Hampshire*.

Read and Committed to the Committee for Muster-Rolls.

### Post Meridiem.

Col. *Chandler* from the Committee for Petitions, Reported, *Viz.*

On the Accompt of *David Ingersole* of *Springfield*, for sundry Expresses and Subsistence for some of the Forces in the County of *Hampshire*; The Committee having Examined the above Accompt, amounting to *l. 11 2 s. 11 d.* find it right Cast and well Vouched by the Oath of said *Ingersole*: They are therefore humbly of Opinion, That there be allowed and paid out of the Publick Treasury to the Accomptant *David Ingersole* the Sum of *l. 11 2 s. 11 d.* in full discharge of this Accompt. Read & accepted and *Resolved*, That the Sum of *Eleven pounds two shillings & eleven pence* be allowed and paid out of the Publick Treasury, to the said *David Ingersole*, in full discharge of the said Accompt.

Sent up for Concurrence.

On the Accompt of *Benjamin Rolfe* as Entred the 20th, The Committee

having Examined the Accompt, find it right Cast, and Mr. *Rolfe* declaring, that he has Charged no more in the Articles, than the Establishment of Clerks Fees; they are humbly of Opinion, That the Sum of *l. 40 7 s.* be allowed and paid out of the Publick Treasury to *Benjamin Rolfe* the Accomptant, in full discharge of said Accompt. Read and accepted and *Resolved*, That the Sum of *Forty pounds seven shillings* be allowed and paid out of the Publick Treasury to the said *Benjamin Rolfe*, in full discharge of said Accompt.

Sent up for Concurrence.

An Accompt of *John Wood* of *Roxbury*, for Cleansing and Repairing the Province Armory at His Majesty's Castle *William*, Certified by His Honour the Lieutenant Governour. Read & Committed to the Committee for Petitions. [ 24 ]

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Joseph Kellogg*. Read and Committed to the Committee for Muster-Rolls.

A Bill Entitled, *An Act for amending of Errors & Defects in Reasons of Appeal, and the better advancement of Justice.* Read a second Time.

A Bill Entitled, *An Act for dividing the Town of Sherburn, and Erecting a New Town there, by the Name of Holliston.* Read a second Time.

A Muster-Roll of the Sloop *George, David Franklyn* Master, being a Transport in His Majesty's Service, Eastward. Read and Committed to the Committee for Muster-Rolls.

A Petition of Mr. *Richard Davenport* of *Bridgewater*, praying, That he may have Leave to purchase of *Benjamin Wanno* Indian, Forty Acres of Land, which the said *Wanno* in behalf of the Indian Proprietors at *Ketitticut*, pray'd for Leave to Sell, as *per* their Petition Entred the 18th & 19th of *June* past, for the Reasons mentioned in the Petition. Read and *Ordered*, That the prayer of the Petition be granted: And that Capt. *Jacob Thompson* and Mr. *Edward Fobes* be desired to take Care that the Indian have Justice done him, and a due Consideration for the said Lands paid him or his Assigns. Sent up for Concurrence.

A Petition of *George Bethune*, praying, That he may have Leave and be Impowered to purchase a New Writ of Review, to have another Tryal of an Action lately depending between him and *James Gardner* of *Glocester*, he having lost his Action, as he supposes, at the last Tryal, for want of a principal Evidence, who was at Sea at the Time of Tryal. Read and sent up.

An Accompt of *Solomon Bacon*, Surgeon to the Forces Eastward, from *April* 8th to *October* 21 1724. is 28 Weeks, at 40 s. *per* Week. Read and *Resolved*, That the Sum of *Fifty six pounds* be allowed and paid out of the Publick Treasury to the said *Solomon Bacon*, in full discharge of the said Accompt.

Sent up for Concurrence.

*Voted*, That Mr. *Edward White* go up with a Message to the Honourable Board, to inquire, if they have pass'd on the Vote of the 20th Currant, desiring His Honour would Express some Persons to the Neighbouring Governments of *New-York*, &c. to move them to send some suitable Persons to be joyn'd with such as shall be appointed by this Government, to demand of Monsieur *Vaudrueil* the French Governour at *Canada*, all the English Captives there; and that if the Board have not pass'd on said Vote, the House desire they would speedily, for that the House conceive it a matter of great Consequence to this Province.

A Memorial of Lieut. *John Stagpole* of *Biddeford*, shewing, That by Order of Col. *Thomas Westbrook* in *July* last, he went with the Forces to *Norridgewock*; and in their March, the Petitioner with some others were the first that made Discovery of the Indian Enemy, coming upon *Abomasin's* Wigwam and Family, some of which they Slew, and Captivated others; and the Memorialist also Commanded a Party of Men in the Engagement at *Norridgewock*, wherein he did much Service, as particularly therein mentioned. Praying, That he may be allowed for such his Services, as to this Court in their Wisdom shall seem meet. Read. And the Question was put, *Whether any Allowance shall be made the Memorialist for the Reasons given in his Memorial?* It pass'd in the Negative.

*Jonathan Dowse*, Esq; brought down a Petition of *Timothy Sprague* of *Malden*, praying, That he may have Liberty to File New Reasons of Appeal to the next Court of General Sessions of the Peace for the County of *Middlesex* to be Held at *Charlstown* in a Case which he was Impowered by this Court in their last Session to File Reasons of Appeal in; but by a Mistake in Drawing the same, they were quashed, the King not being made a Party; And in case that the former Judgment or Sentence of Mr. Justice *Flagg*, should be reversed, that the said Court of Sessions may be directed and impowered to grant him not only the Costs of applying to this Court, but also all the Costs of the Court of General Sessions of the Peace, for the Reasons therein given. Pass'd in Council, *viz.* In Council, *Novemb. 21, 1724.* Read and Ordered, That the Petitioner be enabled to have a Tryal of the Appeal mentioned in the Petition, at the Court of General Sessions of the Peace for the County of *Middlesex*, to be Held at *Charlstown* in *December* next, he Filing his Reasons of Appeal according to Law, [ 25 ] and giving seasonable Notice to the Complainants: And that the Justices of the said Court be, and hereby are impowered and directed to Hear and Determine the same; and in Case Justice *Flagg's* Sentence be reversed, the Money Levyed by Execution be restored the Petitioner; the quashing the Reasons of Appeal, or any Law, Usage or Custom to the contrary notwithstanding: And the former Proceedings in the said Cause are declared Null and Void: The Petitioner to bear the Charges of the last Court. Sent down for Concurrence. Read & Concurr'd.



A Petition of *Mary Bayley*, shewing, That her Husband *Christopher Bayley* was late a Soldier in His Majesty's Service at Castle *William*, and since discharged and gone to Sea, and not since heard of: and that there was due to him on the last Muster-Roll of the Garrison there, the Sum of *l. 7 11 s. 4 d.* Praying she may be allowed to receive the same for her Support in her needy and distressed Circumstances.

Read and *Resolved*, That Mr. Treasurer *Allen* be directed and impowered to Pay to the Petitioner the Wages due to the said *Christopher Bayley* on the last Muster-Roll of the Garrison at Castle *William*. Sent up for Concurrence.

A Petition of *Dinah Coffin* of *Nantucket*, praying the Liberty of this Court for Marriage, for that her Husband *Elisha Coffin* on the 27th of *April 1722*. sailed from the Island of *Nantucket*, on a Whaling Voyage, intending to return in a short time; but that instantly a Storm followed, which in all Probability he was Lost in, having not since been heard of; and that she is by the Law of this Province restrained from Marrying Read and sent up.

In the House of Representatives, *Novemb. 24. 1724.*

**P**Ursuant to the Direction in the Royal CHARTER, in that Clause or Paragraph empowering the General Court to Impose & Levy proportionable and reasonable Assessments, Rates and Taxes:

*Resolved*, That the Treasurer be, and hereby is Impowered and Directed, to Issue forth and Emit the Sum of *Thirty Thousand Pounds* in Bills of Credit on this Province, for the Necessary Defence and Support of this Government, and the Protection and Preservation of the Inhabitants thereof, *That is to say, Ten Thousand Pounds* part thereof, already drawn in by Taxes, &c. And the remaining *Twenty Thousand Pounds*, to be put into his Hands by the Committee for Making the same; to be Issued out and Disposed of, by Warrant under the Hand of the Governour or Commander in Chief for the Time being, with the Advice and Consent of the Council. *Twenty nine Thousand two Hundred Pounds* whereof shall be Applied for the Uses, Intents and Purposes in this Resolve hereafter expressed, *viz.* For the Payment of all Grants, Premiums and Stipends Established by Law; for the defraying and paying the Charges of Castle *William*, and other Forts & Garrisons, Transports, Muster-Rolls of Soldiers & Sailors, Allowances, &c. and all other Accompts of Charges allowed and passed on for Payment by this Court. And that the Sum of *Eight Hundred Pounds* being the Residue and remaining part of the said Sum of *Thirty Thousand Pounds*, shall be applied for the Payment of Expresses dispatched in the Service of this Government in the Recess of this Court, together with all Necessary unforeseen Charges that demand prompt Payment, which shall arise in the Recess of the Court as aforesaid. *Provided always*, That the several Drafts made upon the Treasurer aforesaid, Express and Declare out of which of the

two several Sums above-mentioned, the Money is to be paid. And the said Bills shall pass out of the Treasury, at the Value therein Expressed, Equivalent to Money, and shall be so taken and accepted in all Publick Payments.

And that the Duties of Impost and Excise, together with all other Publick Incomes, shall be a Fund and Security for the Annual Repayment and Drawing in the said Bills into the Treasury again, so far as the same will reach.

*And as a further Fund & Security for the same, It is further Resolved, That there be and hereby is granted unto His Most Excellent MAJESTY, for the Ends and Uses aforesaid, and for no other Ends and Uses whatsoever, a Tax of Five Thousand Pounds [ 26 ] to be Levyed upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such proportion upon the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province, at their Session in May One Thousand seven Hundred & Twenty Five, and paid into the Publick Treasury, on or before the last Day of December next after.*

And that the further Sum of *Five Thousand Pounds* be Levyed on Polls and Estates both Real and Personal within this Province, according to such Rules and in such proportion, upon the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province, at their Session in *May, One thousand seven Hundred & Twenty six*, and paid into the Treasury on or before the last Day of *December* next after.

And that the further Sum of *Five Thousand Pounds* be Levyed upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such proportion, upon the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province, at their Session in *May, One thousand seven Hundred & Twenty seven*, and paid into the Publick Treasury on or before the last Day of *December* next after.

And that the further Sum of *Fifteen Thousand Pounds*, being the Remainder of the aforesaid *Thirty Thousand Pounds*, be Levyed upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such proportion upon the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province, at their Session in *May, One Thousand seven Hundred & Twenty eight*, and paid into the Publick Treasury, on or before the last Day of *December* next after.

Sent up for Concurrence, by Mr. Clark, Col. Paine, Maj. Gorham and Mr. Bunker.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Mercurii Die 25. Novembris, A. D. 1724.

COL. *Chandler* from the Committee for Petitions Reported on the Four Accompts of Col. *John Schuyler*, as Entred the 18th Currant, amounting to in *Albany Money* l. 467 10 s. 7 d. The Committee having Examined the said Accompts, find them right Cast and well Vouched; but they find one Article not carried out, and three Articles Charged by Mistake, which they have Numbred in the Margent. No. 1, amounting to 24 s. No. 2. 10 s. 6 d. No. 3. 33 s. Amounting to l. 3 7 s. 6 d. which being Subducted from the Total of said Accompts, there remains *New-York Money*, l. 464 3 s. 1 d. Advance at 75 per Cent. is l. 348 2 s. 3 d. Sum Total l. 812 5 s. 4 d. The Committee are therefore of Opinion, That the Sum of *Eight hundred & twelve pounds five shillings & four pence* be allowed and paid out of the Publick Treasury to Mr. *Jacob Wendal*, Agent to Col. *John Schuyler*, in full discharge of said Accompts. Read and accepted and Resolved, That the Sum of *Eight hundred & twelve pounds five shillings & four pence* be allowed and paid out of the Publick Treasury to Mr. *Jacob Wendal*, of *Boston* Merchant, for the proper Use and Accompt of the said *John Schuyler*, Esq; in full discharge of the said Accompts.

Sent up for Concurrence.

Resolved, That the Committee that Made the last Bills of Credit on this Province, be desired and directed to Print off, and finish, as soon as may be, the Sum of *Twenty Thousand Pounds, Seventeen Thousand Pounds*, part thereof, from the Plate of the highest Denomination, and *Three Thousand Pounds*, the remainder thereof, from the Plate of the middle Denomination; and deliver the same when finished to the Treasurer of this Province, taking his Receipt for them: The said Committee to be paid for their Service, as for the Bills last made: And the Bills to be Issued out as this Court shall Order. Sent up for Concurrence. [ 27 ]

A Petition of *Daniel Connor* of *Pembroke*, shewing, That he was a Soldier in the Service of this Province, under Capt. *Francis Barker*, and being Ordered by his Captain to Fire a Great Gun at *Casco-Bay*, in performing which, the Gun recoiled and wounded the Petitioner in the Left Shoulder, dislocating the Bones thereof, whereby he is rendred incapable of providing for himself Necessaries for Life, praying the Compassionate Consideration of this Court for Relief in the Premises.

Read and Committed to the Committee for Petitions.

Ordered, That Capt. *Kent* go up to the Honourable Board, to desire they would send down the Petition of *George Bethune*.

A Bill Entitled, *An Act for altering the Times for Holding the Superiour Court of Judicature Court of Assize and General Goal Delivery for the County of Suffolk.*

Read a second Time.

A Bill Entitled, *An Act for amending Errors & Defects in Reasons of Appeal, and the better advancement of Justice.* Read a third time, and pass'd a Concurrence.

A Bill Entitled, *An Act for Repealing an Act Made & Passed in the Eighth Year of His Majesty's Reign, Entitled, An Act in addition to the Act directing the Admission of Town Inhabitants.* Pass'd in Council, viz. Read three several Times, and pass'd to be Engross'd. Sent down for Concurrence.

Read a first Time.

A Muster-Roll of the Company in His Majesty's Service at Fort *Dummer*, under the Command of Capt. *Timothy Dwight*; with an Accompt of Disbursements.

Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of a Company of *Maquois* in the Service of this Province at Fort *Dummer*, under the Command of Capt. *Timothy Dwight*; with an Accompt of Disbursements. Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of the Honourable *William Dummer*, Esq; Capt. at his Majesty's Garrison at Castle *William*. Read and Committed to the Committee for Muster-Rolls.

A Memorial of *John Ruck*, Esq; praying he may be admitted to pay Single Duty only, on Sixty Pipes of *Madera* Wine, Consigned to him from Mr. *Benning Wentworth* of *Piscataqua*, on said *Wentworth's* Accompt; which as the said *Wentworth* informs, were not Landed at *Piscataqua* from the Ship that Imported the same from *Madera*, for the Reasons mentioned in the Memorial. Read. And the Question was put, *Whether the prayer of the Memorial shall be granted?*

It pass'd in the Negative.

A Petition of Lieut. *Joseph Dimmock* of *Barnstable*, setting forth, that he was in the Company under the Command of Capt. *Bourne*, in the late Action against the Indian Enemy at *Norridgewock*; and received a Shot in his Body by his Back Bone, whereby he has suffered much Pain, and narrowly Escaped of his Life; praying this Court would please to take the Premises into their serious and generous Consideration, and allow him what smart Money to them shall seem meet. Read, and Resolved, That the Sum of *Twenty Pounds* be allowed and paid out of the Publick Treasury to Lieut. *Joseph Dimmock* in consideration of the Wound he received in his Body in the Engagement at *Norridgewock*, as smart Money.

Sent up for Concurrence.

*John Wheelwright*, Esq; brought down the Petition of *Dinah Coffin* of *Nantucket*, as Entred last Night, and sent up. Pass'd in Council, viz. In Council, *Novemb. 25th, 1724.* Read & Ordered, That the prayer of this Petition be



granted; and that the Petitioner be permitted to Marry accordingly: Any Law, Usage or Custom to the contrary notwithstanding. Sent down for Concurrence.

Read & Concurr'd.

An Accompt of Three *Maquois*, viz. *Christian*, and his Son *Christian*, and his Couzen *Isaac*, for their Wages in the Service of this Province, Five Months each, at 40 s. *per* Month. Read and *Resolved*, That the Sum of *Thirty Pounds* be allowed and paid out of the Publick Treasury to the said *Christian*, and his Son *Christian*, and *Isaac*, the Three *Maquois*, in equal proportion, and in full of said Accompt.

Sent up for Concurrence. [ 28 ]

Col. *Chandler* from the committee for Petitions, Reported, On the Petition of *Ephraim Moore*, as Entred the 20th: Which was Read and accepted, and thereupon, *Resolved*, That the Sum of *Thirty Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Ephraim Moore*, agreeable to the said Report, and in full Satisfaction of the Petition. Sent up for Concurrence.

On the Petition of *Zechariah Trescot* as Entred the 17th Currant; which Report was Read. And the Question was put, *Whether the House would Accept of the Report?*

It pass'd in the Negative.

On the Accompt of *Luke Vardy*, as Entred Yesterday, which was Read and accepted, and thereupon *Resolved*, That the Sum of *Nineteen shillings & six pence*, be allowed and paid out of the Publick Treasury to the Accomptant *Luke Vardy*, in full discharge thereof. Sent up for Concurrence.

On the Petition of *George Jackson* and *Richard Cutt*, as Entred the 21st; which was Read and accepted, and *Voted*, That this Petition be referred to the next Session for further Consideration.

A Petition of *Samuel Jordan*, shewing, That while he was in the Service of this Province, in the Year 1722, he Contracted a great Fit of Sickness, in which he expended the Sum of *Nineteen pounds fifteen shillings* as by the Vouchers to the Petition annexed, for the Charge of Doctors, &c. praying, That the same may be reimbursed him out of the Publick Treasury, for the Reasons therein mentioned.

Read & Committed to the Committee for Petitions.

An Accompt sign'd *James Bowdoin* amounting to l. 40 being for Four large Guns with Carriages, delivered Mr. Treasurer *Allen*, for his Majestys Service at the Fort at *Richmond*. Read and *Resolved*, That the Sum of *Forty Pounds*, be allowed and paid out of the Publick Treasury to Mr. *James Bowdoin*, in full discharge of the said Accompt. Sent up for Concurrence.

An Accompt sign'd *Timothy Dwight*, amounting to l. 247 4 s. 1 d. being for sundry Charges and Expences, in Building Fort *Dummer*, above *Northfield*.

Read and Committed to the Committee for Muster-Rolls.

An Accompt of Lieut. *John Larrabee* for Victualling the Garrison at His Majesty's Castle *William*, from the 25th of *May 1724.* to the 22d of *Novemb.* following, Examined by Mr. Treasurer *Allen.* Read and accepted and *Resolved*, That Mr. Treasurer be directed to pay to the Accomptant Lieut. *John Larrabee*, the Sum of *Eighty seven pounds ten shillings & five pence*, being the Ballance of this Accompt. *And further to enable the said Larrabee to Victual the Garrison at His Majesty's Castle William, according to the Establishment of the Court made the 20th of December past.* It is *Resolved*, That Mr. Treasurer be and hereby is directed to pay and advance to Lieut. *John Larrabee* Six Months Pay for Victualling said Garrison, according to the said Establishment, taking Security from him for the true and faithful performance thereof.

Sent up for Concurrence.

A Bill Entitled, *An Act in Addition to, and for Repealing one Part or Clause of an Act Entitled, An Act for the better Regulation of Swine.* Made and passed in the Seventh Year of His Majesty's Reign. Read a first Time.

A Petition of *Henry Dwight*, Esq; setting forth, That this Court were pleased to make a Grant *Anno 1707*, to Capt. *John Shelden of Deerfield*, for his good Services, of 300 Acres of Unappropriated Lands; which was accordingly Surveyed and laid out by one Mr. *Porter*, a Surveyor, and a Plat thereof returned; but so it happens that the said Surveyor *Porter* by Misinformation in laying out the said Grant of 300 Acres, has interfered in the 100,000 Acres of Equivalent Land; the Petitioner being the Assignee of the said *John Shelden*, praying, That the said Grant may be satisfied out of some of the Unappropriated Lands of this Province. Read and *Ordered*, That the Petitioner be allowed by a Surveyor and Chain-Men under Oath, to Survey and Lay out Three Hundred Acres of some of the Unappropriated Lands in this Province, where the same may be found, a Plat thereof to be returned to this Court within Twelve Months for Confirmation; and to discharge and satisfy the Grant made to the said *John Shelden* as aforesaid; and the former Survey is hereby declared Null & Void.

Sent up for Concurrence. [ 29 ]

### Post Meridiem.

*Benjamin Lynde*, Esq; brought down the Vote of the House of the 20th, for sending to the Neighbouring Governments, desiring they would move with us, in appointing proper Persons to demand of Governour *Veaudreuil* at *Canada*, the English Captives there, &c. Pass'd in Council, viz. In Council, *Novemb. 25. 1724.* Read and Concurr'd with the Amendment, viz. *dele the Words from* — have been Captivated — *to* — and that His Honour the Lieut. Governour, &c. — *and add* — by the Indian Enemy, and Carryed into, and detained in any part of his Government; and likewise demand that the said Governour *Veaudreuil* withdraw the Countenance and Assistance, which in Violation of

the Treaty of *Utrecht*, and contrary to the Friendship and Alliance between the two Crowns, he has given to the said Indians in the Prosecution of their Unjust War against His Majesty's Subjects of these Colonies; otherwise if our Friend Indians who have hitherto been with difficulty restrained, should in Pursuit of the Enemy Indians commit like Hostilities upon the French Families, who dwell promiscuously with them, as have been by the French Indians Committed upon the Inhabitants of this Province, the blame will be entirely owing to his own Conduct; and likewise inform him, that if the Indians shall still persist in the War against us, the several English Governments will find themselves obliged with their United Force, by the Blessing of GOD, to Prosecute and Pursue them to the Uttermost.

Sent down for Concurrence. Read & Concurr'd.

Sent up by Mr. *Remington*, Col. *Chandler* and Mr. *Hill*; with a Message to desire His Honour would immediately dispatch his Letters.

*John Turner*, Esq; brought down the following Vote of Council, viz In Council, *Novemb. 25th 1724. It being Expedient and Necessary in order to avoid the Trouble and Loss of Time, in passing Two several Examinations on each respective Muster-Roll, that the said Service be performed by a joynt Committee of both Houses*, Ordered, That *Thomas Fitch* and *Daniel Oliver*, Esqrs; with such as the Honourable House of Representatives shall appoint, be a Committee for Examining such Muster-Rolls as shall be brought in this Session. Sent down for Concurrence.

Read and Unanimously Non-Concurr'd.

A Muster-Roll of the Company on the Western-Frontiers in His Majesty's Service under the Command of Capt. *William Chandler*. Read and Committed to the Committee for Muster-Rolls.

*Paul Dudley*, Esq; brought down a Petition of *Japhet* Indian and others, Proprietors at *Nantucket*, as Entred the 3d of *June* past, and referred to this Session for a Hearing. Pass'd in Council, viz. In Council, *Novemb. 25th 1724*. A Hearing having been had before the whole Court on this Petition the 19th Instant, and there having been some Proposals since made for an Accommodation. Ordered, That the further Consideration of the Petition be referred to the next *May* Session.

Sent down for Concurrence. Read & Concurr'd.

Sundry Accompts of the Commissioners for Letting out the *l. 100,000* Loan, from the several Counties in this Province. Read & Committed to the Committee for that Service, appointed *June 20th 1723*.

Mr. *Remington* from the Committee appointed the 12th Currant to consider what Acts that are Expired or near Expiring, are proper to be Revived or continued; and what further Acts are Necessary to be made: Made Report accordingly, which was Read, and the House enter'd into a Debate on the several Acts in the Report to be revived or further continued, and what were judged

by the Committee necessary to be made; which was in part accepted. And *Ordered*, That Mr. Speaker, Col. *Bond* and Mr. *Whittemore* be a Committee to prepare such Bills as were accepted by the House, in order to their being Enacted; and lay the same on the Table as soon as may be. [ 30 ]

The Petition of *James Watson*, *Samuel Hall* and *Zerubbabel Eager*, praying Liberty for Purchasing a Tract of Land of the Indian Proprietors at *Has-sanamisco*, with the Vote of Council thereon, as Entred the 14th Currant, Read and Non-Concurr'd, and *Voted*, That the Petitioners have Liberty granted them by this Court, to Purchase of the Indian Proprietors at *Hassanamisco*, the Lands Petitioned for upon the Conditions following, and not otherwise, *viz.* That the Petitioners Pay the Sum of *Sixteen Hundred Pounds* proposed for the Purchase of said Lands unto Trustees to be appointed by this Court, to be Lett out upon good Security, the Proceeds whereof to be Employed and Improv'd for the Use and Behoof of the said Indians, their Heirs and Successors for Ever, in such Manner as this Court shall from time to time Order and Direct. That the Petitioner Settle Forty English Families upon the said Land, exclusive of the Indian and English already upon the Spot, each of which Forty Families to build a good Habitable House, and Break up and Fence in at least Four Acres of Land, within the space of Three Years from the Date hereof; and that within the Term of Three Years, they build and finish a Decent Meeting-House for the Worship of GOD, suitable and convenient for the Reception of the People, as well Indians as English: That they set forth to the first Ordain'd Minister a Lot of Land equal to other Allotments, to be his own as soon as he takes Office among them: That they Procure and Settle a Learned, Orthodox Minister to Preach the Gospel to them: That they separate Twenty Acres of Land for a School, in the most convenient Place to remain for that Service for ever; and build a School-House, in which shall be Taught the Indian and English Children: That they constantly Maintain and duely Support a Minister and School-Master among them. And that all the above Articles shall be without Charge to the Indian Natives, *viz.* Building the Meeting-House and School-House, Setling and Supporting a Minister and School-Master: And likewise that there be Reserved to the present Indian Proprietors each of them an equal Dividend in said Land, with each of the Purchasers; part of which Dividend to comprehend their present Improved Lands, as also One Hundred Acres, to be the present Indian Proprietors, their Heirs and Assigns for ever. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

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# VOTES

## Of the House of Representatives.

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Jobis Die 26. Novembris A. D. 1724.

**J**ohn Turner, Esq; brought down the Report of the Committee appointed the 23d on the Petition of *Henry Howland*, one of the Assessors of *Dartmouth*. Pass'd in Council, viz. In Council, *Novemb. 25th 1724*. Read & Ordered, That this Report be accepted. Sent down for Concurrence.

Read & Concurr'd with an Amendment. Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, viz.

On the Muster-Roll of the Sloop *George*, *David Franklyn* Master, being a Transport in His Majesty's Service, Eastward, as Entred the 24th. Which was Read and accepted, and thereupon *Resolved*, That the Sum of *Four Hundred thirty six pounds ten shillings* be allowed and paid out of the Publick Treasury to *David Franklyn*, to be by him repaid to the Persons to whom the same is due in full discharge of the Wages and Sloop-hire of this Roll. Sent up for Concurrence.

On the Muster-Roll of Capt. *Joseph Kellogg*, as Entred the 24th, from *May 20th to Novemb. 17th 1724*. consisting of Two Sheets, The Committee having Examined the same, find it right Cast and Vouch'd by the Oath of Capt. *Kellogg*, and are of Opinion, That there be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on this Roll, the Sum of *l. 1517 15 s. 2 d.* as it is respectively due to them, and for their Wages and subsistence, in full discharge thereof. Read and accepted and *Resolved*, That the Sum of *One thousand five hundred and seventeen pounds fifteen shillings & two pence* be allowed and paid out of the Publick Treasury, as the same is respectively due, to the Officers and Soldiers born on this Roll, and to the Persons that have Subsisted them, in full discharge of the Wages & Subsistence thereof.

Sent up for Concurrence.

On the Muster-Roll of the Company of Soldiers under the Command of Capt. *Timothy Dwight*, as Entred Yesterday, The Committee having Examined the same, find it right Cast, and Vouch'd by the said Capt. *Dwight's* Oath, are therefore of Opinion, That there be allowed and paid out of the Publick Treasury to the Officers and Soldiers to whom the same is respectively due, the Sum of *l. 645 5 s. 4 d.* Deducting the Sum of *52 s. 10 d.* from *John Brook* who is returned a Deserter. Read and accepted and *Resolved*, That the Sum of *Six hundred & forty two pounds twelve shillings & six pence* be allowed and paid out of the Publick Treasury to the said *Timothy Dwight*, the other Officers and

Soldiers to whom the same is due, and the Persons that have Subsisted them in full discharge of the Wages and Subsistence due on the said Roll.

Sent up for Concurrence.

On the Muster-Roll of the *Maquois*, and other Indians, under the Command of Capt. *Timothy Dwight*, as Entred the 25th, together with the Accompt of extraordinary Subsistence, The Committee find the same right Cast, and Vouched by the Oath of said Capt. *Dwight*, are therefore of Opinion, That the Sum of *l. 110 8 s. 6 d.* the Amount of the Wages and Subsistence on this Roll, together with the Sum of *l. 22* the Amount of the annexed Accompt, making in the whole the Sum of *l. 132 8 s. 6 d.* be allowed and paid out of the Publick Treasury to the said Capt. *Timothy Dwight*, to be by him paid to the respective Persons to whom it is due, in full discharge thereof. Read and accepted and *Resolved*, That the Sum of *One hundred & thirty two pounds eight shillings & six pence* be allowed and paid out of the Publick Treasury to the said Capt. *Timothy Dwight*, and the other Officers and Soldiers born on this Roll, to whom the same is due, in full discharge of the Wages and Subsistence thereof, and of the Accompt of Disbursements to the Roll annexed. Sent up for Concurrence.

[ 32 ]

### Post Meridiem.

*Voted*, That a Message go up to the Honourable Board, to desire they would send down the Letters, &c. lately received from Mr. Agent *Cooke*.

*John Wheelwright*, Esq; brought down the said Letters, &c.

A Memorial of Capt. *John Penhallow*, praying, That he may be allowed to Charge Captain's Pay in the Roll he is to present to this Court in their present Session.

*Voted*, That Mr. *Clark*, Maj. *Fullam*, Col. *Chandler*, Capt. *Kent* and Mr. *Whittemore* be a Committee to take the said Memorial under Consideration, together with the several Affidavits and Complaints made against the said *John Penhallow*, and now lying on the Table; also the Copy of the said *Penhallow's* Letter sent to Governour *Shute*, and Transmitted by Mr. Agent *Cooke*; and make Report of their Opinion what may be proper to be done thereon.

According to the Order of the Day, The Petition of *John Darling* and *Jonathan Draper* in behalf of themselves, and the rest of the Proprietors of that part of *Bellingham* formerly belonging to *Dedham*, praying, That the West Line of *Wrentham* may be set forth and made certain, as Entred the 12th Current. Read. And the Parties were admitted into the House, and being fully Heard on the Petition, they withdrew. And the House having considered the Petition, &c. *Voted*, That this Petition be Dismiss'd; the Petitioners having their Remedy at the Common Law.

*Thomas Palmer*, Esq; brought down a Petition of *Nathaniel Oliver*, setting forth, That he brought an action of Trespass against *John Phillips* of Marsh-

*field*, at the Inferiour Court held at *Boston* for the County of *Suffolk* in *April* 1724, and Appealed from the Judgment of said Court to the then next Superiour Court of Judicature, to be Held in said Country; but by a Lapse he Omitted Filing Reasons of Appeal, praying he may be now allowed by a Resolve of this Court to File the same, for the Reasons therein mentioned. Passed in Council, *viz.* In Council, *Novemb.* 26th 1724. Read and Ordered, That the Petitioner serve the adverse Party with a Copy of this Petition, that he may give Answer thereto as soon as may be, if he see Cause.

Sent down for Concurrence. Read and Non-Concurr'd.

Then the House Adjourned till to Morrow Morning Ten a-Clock

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**Veneris Die 27. Novembris, A. D. 1724.**

**A** Petition of *Elizabeth Lund* of *Dunstable*, Widow, shewing, That her late Husband was Slain in the Engagement against the Indian Enemy at *Dunstable*, and left her and four small Children in very necessitous Circumstances: That the Petitioner's Husband's Horse was also Killed in the said Action, and was of the Value of *seven pounds*, as Certified in the Petition: praying that as the said Horse was Killed in the Service of the Province, she may be allowed the Value of him out of the Publick Treasury for her Relief.

Read and Resolved, That the Sum of *Seven pounds* be allowed and paid out of the Publick Treasury to Col. *Eleazer Tyng*, for the Use of the Petitioner, in Satisfaction for the Loss of the said Horse.

Sent up for Concurrence.

A Bill Entitled, *An Act for dividing the Town of Sherburn, and erecting a New Town there by the Name of Holliston.*

Read a Third Time, and pass'd a

Concurrence with the Amendments.

Sent up for Concurrence.

A Bill Entitled, *An Act in addition to, and for Repealing one Part or Clause of an Act Made & Passed by the Great & General Court or Assembly in the Seventh Year of the Reign of His Present Majesty King GEORGE*, Entitled, *An Act for the better Regulating of Swine.*

Read a second Time. [ 33 ]

A Petition of *Solomon Hewes*, *Jonathan Blake* and sundry others, Inhabitants of the Westernmost part of *Dorchester*, praying they may be set off to the Town of *Wrentham*, as Entred the 18th of *June* last, and referred to this Session. Read, together with the Answer of the Town of *Dorchester* thereto. And in Answer to this Petition, Voted, That the Petitioners and their Estates, be and hereby are Annexed to the Town of *Wrentham*, to do the Duties and Enjoy the Privileges of the Inhabitants of that Town; the School Farm of *Dorchester* in the present Possession and Improvement of *Solomon Hewes*, to be Exempted: And that they be freed from doing Duty in *Dorchester*. And they are so to continue till this Court take further Order about them.

Sent up for Concurrence.

A Petition of *John Hayes* Master of the Light-House on *Bacon-Island*, at the Mouth or Entrance of the Harbour of *Boston*, praying, That his present Salary may be advanced, for the Reasons therein mentioned. Read & Committed to the Committee for Petitions.

*John Wheelwright*, Esq; brought down an Engross'd Bill Entitled, *An Act for amending of Errors & Defects in Reasons of Appeal; and better advancement of Justice.*

Read and Resolved, That the Bill pass to be Enacted.

A Petition of *William Cummings* of *Dunstable*, shewing, That he was Wounded by a Shot through his Belly in the late Engagement had with the Indian Enemy at *Dunstable*, and has been at the Expence of *Three Pounds* for Doctors, Nursing, &c. and is by the said Wound in a great measure rendred incapable of Providing for himself Necessaries, praying, That the Court would please to Repay him the said *Three Pounds*, and make him such Allowance for smart Money, as in their Wisdom and Justice shall seem meet. Read & Committed to the Committee for Petitions.

Resolved, That the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury to Dr. *Thomas Hastings*, being so much advanced by him in Medicines, &c. for the Use of the Forces in the County of *Hampshire*, in the Service of this Province, and expended on them. Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of *Dominicus Jordan*, Serjent, at *Spurwink*, The said *Jordan* having made Oath to the Truth of the Service as inserted in the Roll before Mr. Justice *Moodey* at *Falmouth*. Read and Resolved, That the Sum of *Two hundred & eight pounds sixteen shillings and six pence* be allowed and paid out of the Publick Treasury to the said *Dominicus Jordan*, and the Men born on the said Roll in full discharge of the Wages thereof.

Sent up for Concurrence.

Three Muster-Rolls of Three Serjents Companies Posted at *Dunstable*, *Dracut*, *Haverhill*, *Almsbury* and *Salisbury*, under the Command of *Eleazer Tyng*, Capt.

Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Serjent *Nathan Knight*, being Posted at *Scarborough*; the said *Knight* having made Oath to the Truth of the Service as inserted in the Roll, before Mr. Justice *Moodey* at *Falmouth*. Read and Resolved, That the Sum of *Ninety six pounds fourteen shillings & eight pence*, be allowed and paid out of the Publick Treasury to the said *Nathan Knight*, and the Men born on the within Roll, in full discharge of the Wages thereof.

Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service, under the Com-



mand of Capt. *John Grey*.  
Muster-Rolls.

Read & Committed to the Committee for

A Muster-Roll of the Company in His Majesty's Service, under the Command of Serj. *Jonathan Richardson* of *Chelmsford*. Read and Committed to the Committee for Muster-Rolls.

An Accompt of Capt. *Samuel Jordan* and Lieut. *Nathaniel Jordan*, for their Service in the late Expedition to *Penobscut*, Certified by Col. *Westbrook* and Mr. Treasurer. Read and Resolved, That the Sum of *Twenty six pounds three shillings & six pence*, be allowed and paid out of the Publick Treasury to the said *Samuel Jordan* and *Nathaniel Jordan*, in full discharge of the within Accompt.

Sent up for Concurrence. [ 34 ]

Ordered, That Mr. *Sayward* go up with a Message to the Honourable Board, to desire they would send down the Petition of *George Bethune*.

A Bill Entitled, *An Act for Altering the Times for Holding the Superiour Court of Judicature, Court of Assize and General Goal Delivery, for the County of Suffolk*.

Read a third Time, and pass'd a Concurrence.

Sent up.

*Edward Bromfield*, Esq; brought down the Petition of *George Bethune*, as Entred the 24th. Read & Dismiss'd.

An Accompt of Col. *John Cushing* for the Charges of Billeting Twenty five Soldiers raised for His Majesty's Service in the County of *Plymouth*, in *July* last, and sent to *Boston*. Read and Resolved, That the Sum of *Two pounds two shillings* be allowed and paid out of the Publick Treasury to the Honourable *John Cushing*, Esq; in full discharge of the said Accompt, Sent up for Concurrence.

An Accompt of *Edmund Mountfort* for his Service as Assistant to Mr. Treasurer *Allen*, in delivering Provisions, Cloathing, &c. to the Forces Eastward, from *July* 17th to *Novemb.* 24th 1724. at 7 l. per Month. Read and Resolved, That the Sum of *Forty pounds ten shillings* be allowed and paid out of the Publick Treasury to the said *Edmund Mountfort*, in full discharge of said Accompt.

Sent up for Concurrence.

Voted, That Mr. *Thomas Cushing*, Col. *Chandler*, Capt. *Goddard*, and Mr. *Foster* be a Committee to Project some proper Order to oblige the Commissioners of the l. 100,000 Loan, to observe and comply with their Duty, and make Report thereon.

*John Cushing*, Esq; brought down a Petition of *John Akin*, *Philip Tabor* of *Dartmouth*, *Joseph Anthony* and *John Sisson* of *Tiverton*, praying the Consideration of this Court to make them some Allowance for their late Imprison-

ment, for the Reasons therein mentioned. Pass'd in Council, *viz.* In Council, *Novemb.* 26th, 1724. Read and sent down. Read & Dismiss'd.

An Accompt sign'd *Humphry Chadbourne* being for sundry Scouts and Expresses in the Service of this Province in the County of *York*. Read and Committed to the Committee for Muster-Rolls.

An Accompt signed *Ephraim Hunt* for sundry Expresses in the Service of this Province, *per* Order, amounting to *l.* 13 Read and Committed to the Committee for Petitions.

A Memorial of Lieut. Col. *Johnson Harman*, praying the Direction of this Court as to his Wages, since he received a Commission for Lieut. Colonel.

Read and Dismiss'd.

A Petition of *Francis Loud*, praying, That he may be reimbursed the Sum of *l.* 21 13 s. so much he was obliged to Pay the Doctors for a Fit of Sickness he Contracted while in the Service of this Province; and that this Court would please to take his Necessitous Circumstances into their serious Consideration, and make him such Support as in their Wisdom shall seem meet. Read.

And the Question was put, *Whether the prayer of the Petition shall be granted?*

It pass'd in the Negative.

*Adam Winthrop*, Esq; brought down the Petition of Mr. *Richard Davenport*, praying as Entred the 24th, with the Vote of the House thereon. Pass'd in Council, *viz.* In Council, *Novemb.* 27th 1724. Read and Non-concurr'd, and Ordered, That *Benjamin Wanno* be allowed to Sell Forty Acres of Land, as mentioned in his Petition of *May* last; and that Capt. *Benjamin Warren* of *Plymouth*, and Lieut. *Samuel Leonard* of *Taunton* be desired as Trustees for the said *Wanno*, to dispose thereof to the highest Bidder, giving Notice of the Time and Place of Sale, by Posting up the same at the Meeting-Houses in *Bridgewater*, one Month before hand. And the said Trustees are desired to take Care, that the Produce of said Land be applied for the Payment of the said *Wanno's* just Debts and the remainder to be Employed so as shall be most to his Advantage. Sent down for Concurrence.

Read & Concurr'd. [ 35 ]

### Post Meridiem.

The Petition of *Stephen Bacon* and Five others, settled Inhabitants upon a Tract of Land purchased of *Dedham*, within the Bound of *Natick*, praying as entred the 14th Currant. Read. And the Parties were admitted into the House, and fully heard thereon. The Answer of the Town of *Needham* being also Read and considered; and the Parties withdrew. And in Answer to the said Petition, *Voted*, That the Petitioners, their Families and Estates be exempted from Paying any of the Ministerial Charge in *Needham*; and to be annexed to *Natick*, and pay their proportionable Charge to the Support of the

Ministry there; and so to remain till the further Order of this Court. Sent up for Concurrence.

Col. *Chandler* from the Committee for Petitions, Reported On the Accompt of *John Wood*, as Entred the 24th, being for Cleansing the Guns at His Majesty's Castle *William*. Which was Read and accepted, and thereupon, *Resolved*, That the Sum of *Twenty four pounds thirteen shillings & two pence* be allowed and paid out of the Publick Treasury to the Accomptant *John Wood*, in full discharge thereof.

Sent up for Concurrence.

On the Petition of *Daniel Conner* of *Pembrook*, as Entred the 25th, The Committee are humbly of Opinion, That there be allowed and paid out of the Publick Treasury, the Sum of *Five pounds* to the Petitioner *Daniel Conner*, in consideration of the Wound he received: And the further Sum of *Five Pounds* Annually, by way of Pension during the Pleasure of this Court. Read and accepted, and *Resolved*, That the Sum of *Five Pounds* be allowed and paid out of the Publick Treasury to *Abraham Booth* of *Pembrook*, for the Use of the Petitioner in Consideration of the Wound he received: And farther, That the Sum of *Five Pounds* be Annually allowed and paid out of the Publick Treasury by way of Pension to the said *Daniel Connor* during the Pleasure of this Court. Sent up for Concurrence.

A Petition of *Sarah Robinson*, Widow of *Matthew Robinson*, late a Soldier in the Service of this Province, at *Fort Mary*, at Winter-Harbour, and now Deceased, shewing, That at the Death of her said Husband, there was due to him on Capt. *Hinck's* Roll, the Sum of *l. 3. 10 s. 9 d.* praying, That as she is left in poor and low Circumstances, she may be allowed to Receive her Husband's Wages, without the Charge of taking out Letters of Administration. Read and *Resolved*, That Mr. Treasurer *Allen* be empowered and directed to pay to the Petitioner *Sarah Robinson* what Money is due to her Husband on the Roll of the Garrison at *Fort Mary*, under the Command of Capt. *Samuel Hincks*.

Sent up for Concurrence.

*Adam Winthrop*, Esq; brought down the Report of the Committee of both Houses appointed the 5th of *June* last, on the Petition of *Richard Davenport* and *Daniel Hudson*, Agents for the South Precinct in *Bridgewater*, praying as Entred the same Day; Sign'd *Samuel Thaxter*, in the Name of the Committee. Pass'd in Council, viz. In Council, *Novemb. 27th 1724*. Read & Ordered, That this Report be accepted; and that the Dividing Line between the South and East Precincts of *Bridgewater*, be settled accordingly. Sent down for Concurrence.

Read & Concurr'd.

*Ordered*, That Mr. *Stone* and Mr. *Sayward* go up with a Message to the

Honourable Board, to desire they would please to send down the Scheme or Projection of Mr. *Hutchinson*, for Retrieving the Value of the Bills of Credit.

*Adam Winthrop* and *Thomas Palmer*, Esqrs; brought down the said Scheme.

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*Voted*, That Capt. *Ashley*, Capt. *Hill*, Col. *Tyng*, Col. *Chandler*, and Mr. *Prescot* be a Committee to Project some proper Vote for the more effectual Prosecution of the War; and putting the Frontiers into a better Posture of Defence: And Report what Number of Snow-shoes and Mogesses may be necessary to be made for the Service of the Province.

A Petition of *Lettice Jenne*, *William Spooner*, and *Elnathan Pope*, by Order of a Society of sundry Inhabitants of *Accooshamit* Village in *Dartmouth*, setting forth their great desire and willingness for the Continuance of the Preaching of the Gospel among them; and that according to their Capacities they had willingly subscribed the Sum of *l. 40 18 s. 3d.* to be paid to the Revd. Mr. *Samuel Hunt*, as by a List thereof to the Memorial annexed, praying the Consideration of this Great and General Court, that they would please to make such other additional Sum for the comfortable Support of the said Mr. *Hunt*, as in their Wisdom shall seem meet. Read. And in Answer to the said Memorial, *Resolved*, That the Sum of *Thirty Pounds* be allowed and paid out of the Publick Treasury to the Revd. Mr. *Samuel Hunt*, the present Pastor and Minister to the Petitioners, for his Support and Relief for the Year Current. Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported on the Accompt of Capt. *Timothy Dwight*, for Building Fort *Dummer*, as Entred the 25th, The Committee having Examined the aforementioned Accompt signed *Timothy Dwight*, and Vouch'd by his Oath, do judge the various Charges therein to be just and reasonable, are therefore of Opinion, That the Sum of *l. 256 4 s. 1 d.* be allowed and paid out of the Publick Treasury to Capt. *Timothy Dwight*, to be by him paid to the respective Persons to whom the same is due, in full discharge thereof. Read and accepted and *Resolved*, That the Sum of *Two hundred fifty six pounds four shillings & one penny* be allowed and paid out of the Publick Treasury, to Capt. *Timothy Dwight* to be by him paid to the respective Persons, to whom the same is due, in full discharge of this Accompt. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

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**Sabbati Die 28. Novembris, A. D. 1724.**

**A** Muster-Roll of the Company in His Majesty's Service, under the Command of Lieut. Col. *Johnson Harman*. Read and Committed to the Committee for Muster-Rolls. The said *Harman* to Accompt for *l. 8 15 s.* paid him by Col. *Browne* for Subsistence.



*Voted*, That Mr. Speaker, Mr. *Wainwright*, and Mr. *Lewis*, be a Committee to Project and prepare some proper Vote, the better to support the Honour and Dignity of the House; and to prevent the disclosing or discovering Abroad of any Debate that may arise and happen in the House.

An Account of Col. *Samuel Browne*, for Billeting Nineteen Soldiers Impressed into His Majesty's Service, Eastward, in *July*, being Posted at Mr. *John Pratts* at *Salem*, amounting to *l. 4 15 s.* and the Sum of *l. 4* paid by him to Col. *Harman* for Billeting the said Men in their March from *Salem*, which the said *Harman* should Account for. Read and *Resolved*, That the Sum of *Eight pounds fifteen shillings* be allowed and paid out of the Publick Treasury to the Hon. *Samuel Browne*, Esq; to be by him paid as it is due to discharge the above Account.

Sent up for Concurrence. [ 37 ]

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, *viz.*

On the Muster-Roll of the Company in His Majesty's Service at *Castle William*, under the Command of His Honour the Lieut. Governour Capt. from *May 25th* to *Novemb. 22d 1724*, The Committee having examined the same, find it right Cast and Vouched by the Oath of Lieut. *John Larrabee* are therefore of Opinion, That the Sum of *l. 492 15 s. 7 d.* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born thereon, to whom the same is respectively due, in full discharge thereof, Deducting only *46 s. 1 d.* from *Thomas Dickens* returned Run. Read & accepted, and *Resolved*, That the Sum of *Four hundred and Ninety pounds nine shillings & six pence* be allowed and paid out of the Publick Treasury to the Honourable *William Dummer*, Esq; the other Officers and Soldiers born on this Roll, in full discharge of the Wages thereof, agreeable to the above Report. Sent up for Concurrence.

On the Muster Roll of Capt. *Jonathan Richardson* and Company, of *Chelmsford*, as Entred the 27th, The Committee having Examined the same, find it right Cast, and Vouch'd by the Oath of Col. *Eleazer Tyng*, are of Opinion, That the Sum of *l. 22 2 s.* be allowed and paid out of the Publick Treasury to Capt. *Jonathan Richardson*, to be by him paid to the respective Persons to whom the same is due, in full discharge of the Wages and Subsistence thereof. Read & accepted and *Resolved*, That the Sum of *Twenty two pounds two shillings* be allowed and paid out of the Publick Treasury to Capt. *Jonathan Richardson*, to be by him repaid to the Persons to whom the same is respectively due, in full of the Wages and Subsistence of said Roll.

Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of Serj. *John Stearns* of *Worcester*. Read & Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Com-

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mand of Serj. *John Keys* of *Shrewsbury*. Read & Committed to the Committee for Muster-Rolls.

Ⓔ A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Richard Bourne*, from *March* 17th to *June* 26th past.

Read & Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Richard Bourne*, from *June* 26th to *Novemb.* 20th, 1724.

Read & Committed to the Committee for Muster-Rolls.

Then the House Adjourned till Monday next Three a-Clock Afternoon.

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B O S T O N : Printed by **B. Green** and **S. Kneeland**,  
Printers to the Honourable House of Representatives. 1 7 2 4 . [ 39 ]

# VOTES

## Of the House of Representatives.

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Lunæ Die 30. Novembris A. D. 1724.

**J**oseph Hammond, Esq; brought down the Bill Entitled, *An Act for dividing the Town of Sherburn, and Erecting a New Town there, by the Name of Holliston.* Sent up the 27th. Pass'd in Council, viz. In Council, Novemb. 30th 1724. Read and Agreed with the House as to the Additional Clause: and to leave out the Words Marked *B.* Sent down for Concurrence.

Read & Non-concurr'd: And the House adhere to their Amendment.

A Memorial of Mr. *Jonathan Pierpont*, Chaplain to the Forces Eastward, being Sixty one Weeks in the Service, praying this Court would please to make him Allowance for said Service. Read and *Resolved*, That the Sum of *Ninety one pounds ten shillings* be allowed and paid out of the Publick Treasury to Mr. *Jonathan Pierpont*, for his Service as Chaplain to the Forces Eastward, and is in Full to this Day.

Sent up for Concurrence.

An Accompt of Mr. Sheriff *Winslow* for sending the Treasurer's Warrants to the Assessors, the Tax Acts, Proclamations, &c. to the several Counties in the Province, from the 3d of *July*, to the Month of *October* past. Read & Committed to the Committee for Petitions.

A Petition of Capt. *Joseph Kellogg*, shewing, That he has undertaken and performed several Journeys to *Albany*, in the Service of this Province, and by Order, wherein he has very much worn and damaged his Cloathing and Furniture, in performing the said Journeys; praying the Consideration of this Court, for such Allowance as to them shall seem meet, for his aforesaid Services. Read & Committed to the Committee for Petitions.

A Bill Entitled, *An Act to enable the Executors or Administrators of Dead Constables or Collectors, to Sue for; and Recover any Assessments not Collected by them in their Lives Time.* Read a first Time.

*Resolved*, That if any Member of this House shall Disclose, Divulge, or make Publick the Debates or Secrets of the House, which tends very much to the Obstruction of that Freedom and Liberty of Speech so necessary for the Good and Welfare of the Province, he shall be lyable to such Censure as the House shall think proper.

A Bill Entitled, *An Act in addition to an Act for the better Regulating of the Ferry over Charles-River, betwixt Boston & Charlstown.* Made in the

Ninth Year of the Reign of the late Queen *ANNE*. Read a first Time.

A Bill Entitled, *An Act to retrench the Extraordinary Expense at Funerals*.  
Read a first Time.

A Bill Entitled, *An Act for the better Regulating the Admission of Town Inhabitants within the Province of the Massachusetts-Bay*. Read a first Time.

A Bill Entitled, *An Act in addition to an Act Entitled, An Act relating to Strays and lost Goods, &c.* Made in the Tenth Year of the Reign of His late Majesty King *WILLIAM* the Third. Read a first Time.

A Bill Entitled, *An Act for the further Encouragement and Regulation of the Officers & Soldiers retained in His Majesty's Service and Pay of this Government*.  
Read a first Time.

A Bill Entitled, *An Act for the more easy Levying & Regulating Soldiers*.  
Read a first Time. [ 40 ]

A Petition of Capt. *Timothy Dwight*, setting forth, That for His Majesty's Service at Fort *Dummer*, he delivered and advanced to the Forces there in Deer's Leather to the Value of *l. 6 13 s.* being necessary for Mogasins in performing their Scouting Marches; and praying, That the same may be allowed him out of the Publick Treasury, for the Reason given in the Petition. Read & Resolved, That the Sum of *Three pounds six shillings & six pence* be allowed and paid out of the Publick Treasury to the Petitioner *Timothy Dwight*, in full Satisfaction of the Deer's Leather mentioned in the Petition. Sent up for Concurrence.

A Memorial of *George Bethune*, praying, That the Vote on his Petition to this Court in their present Session for another Review of an Action between him and *James Gardner* of *Glocester*, may be Reconsidered. Read. And the Question was put, *Whether the House would Reconsider the said Vote?*

It pass'd in the Negative.

An Accompt of Col. *Eleazer Tyng*, amounting to *7 l.* being for half a Barrel of Gun-Powder delivered out to the Forces on the Western Frontiers. Read and Resolved, That the Sum of *seven pounds* be allowed and paid out of the Publick Treasury to Col. *Eleazer Tyng*, to discharge the said Accompt.

Sent up for Concurrence.

A Petition of *Sarah Crosby* of *Harwich*, in the County of *Barnstable*, single Woman, setting forth, That she brought an Action at the Inferiour Court of Common Pleas held at *Barnstable*, within and for said County, in *April* last, against Mr. *Israel Cole* of *Barnstable* aforesaid, and Recovered Judgment for *l. 7 1 s. 8 d.* being for Service done said *Cole*, and *l. 5 6 s. 9 d.* Costs of Court, from which Judgment the said *Cole's* Son, by Vertue of a Power of Attorney (the Defendant being Sick,) Appealed to the Superiour Court, and in a short



time after said Judgment and Appeal, the Defendant Dyed: Praying, That as the Action was *Personal*, that this Great and General Court would please to Order that the said *Israel Cole*, Attorney to his Father *Israel Cole*, who caused the said Appeal, and is now Sole Executor to the last Will of his said Father, may by a proper Citation, be Ordered to Prosecute the said Appeal, to the Court Appealed to, that so the Petitioner may not be in Danger of losing her Costs, occasioned by bringing her Action for the Recovery of her just Debt.

Read and sent up.

A Petition of sundry Inhabitants of the Town of *Rutland*, setting forth, That they have Billeted and Subsisted sundry Soldiers Posted there, in the Service of the Province, under the Command of Capt. *William Chandler*: And inasmuch, as the Soldiers that are Billeted or Subsisted out of the Province Stores, are allowed more for their Subsistence, than the *Five shillings* per Week established by the Court, which the Petitioners conceive is too small; praying they may be allowed as much for each Soldier they Subsist and Billet, as it Costs the Province out of the Publick Stores; and as the said *Chandler* shall be allowed for those Billeted by him. Read. And the Question was put, *Whether the prayer of the Petition shall be granted?*

It pass'd in the Negative.

Then the House Adjourned till to Morrow Morning Ten a-Clock

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**Martis Die 1. Decembris, A. D. 1724.**

**A** Bill Entitled, *An Act for the regular Warning of the Inhabitants of the several Towns within this Province, for the Choice of Grand and Petty Jurors; and for further Allowance to them out of the County Treasury.*

Read a first Time.

*Voted*, That Mr. *Thomas Cushing* go up with a Message to the Honourable Board to Enquire if they have pass'd on the Vote for Supply of the Treasury.

Col. *Chandler* from the Committee for Petitions Reported, On the Petition of *William Cummings*, as Entred the 27. of *Novemb.* Which was Read and thereupon *Resolved*, That the Sum of *Ten pounds fifteen shillings* be allowed & paid out of the Publick Treasury to [ 41 ] Col. *Eleazer Tyng*, for the Use of the Petitioner for smart Money, fetching Doctor's Medicines, &c. and for the Loss of the Petitioner's Gun: And that the further Sum of *Three Pounds* be allowed and paid out of the Publick Treasury to the said *Tyng*, to be by him paid to *John Taylor*, for his Wife's Nursing and Attendance on the Petitioner.

Sent up for Concurrence.

On an Accompt of *Thomas Millet* for Nursing, Washing and Dressing the Wounds of *Ephraim Moore* a Soldier. Read and *Resolved*, That the Sum

of *Twelve pounds five shillings* be allowed and paid out of the Publick Treasury to the said *Thomas Millet* or his Order, in full discharge of the within Accompt.

Sent up for Concurrence.

An Accompt of *Dr. Ebenezer Allen* as Chyrurgeon to the Forces Eastward, from *April* 8th to this Day, Examined by Mr. Treasurer *Allen*, being 34 Weeks at 40 s. per Week. Read and *Resolved*, That the Sum of *Sixty eight pounds* be allowed and paid out of the Publick Treasury to *Dr. Ebenezer Allen*, in full discharge of the within Accompt, and of his Accompt for Curing *Ephraim Moore* of a Wound in his Arm, to this Accompt annexed, amounting to *Fifteen Pounds*.

Sent up for Concurrence.

A Petition of *Samuel Came*, shewing, That he with 39 Men, by Order of Col. *Wheelwright*, Marched out to *Wells*, when they were Alarmed in *August* last and were Two Days out, praying that Allowance may be made them, as to this Court shall seem meet. Read and the Question was put, *Whether the prayer of the Petition shall be granted?* It pass'd in the Negative.

An Accompt of Capt. *Philip Goss* for sundry Posts and Scouting in His Majesty's Service in the Town of *Brookfield*, &c. Read and Committed to the Committee for Muster-Rolls.

*Voted*, That Capt. *Wells* be added to the Committee for Muster-Rolls in the room of Capt. *Hill*, who has obtained a Dismission for the Session.

A Muster-Roll of the Company in His Majesty's Service under the Command of *Richard Browne* Lieut. Read & Committed to the Committee for Muster-Rolls.

An Accompt signed *John Clark* in behalf of a Committee by this Court appointed the 6th of *June* last, to make Sale of a Parcel of Province Land, containing 350 Acres, lying near *Oxford*, Petitioned for by *Isaac Learned*, amounting to *seventy eight pounds three shillings & eleven pence*, exclusive of Charges; they having produced the Treasurer's Receipt for the said Sum. Read and accepted, and *Resolved*, That the Accomptants be and hereby are discharged accordingly.

Sent up for Concurrence.

A Petition signed *Elijah Danforth*, *Samuel Danforth*, (with the Concurrence of the Rev. Mr. *John Danforth*, for himself and Sons,) shewing, That they are some of the Heirs of Mrs. *Elizabeth Danforth* of *Dorchester*, Deceased; and shewing, That they with one other of the Heirs of the said *Elizabeth Danforth*, who is a Minor at *Surranam*, and Hold several Tracts of Land in Common; praying, That they be impower'd by some Order of this Court, to make a Partition of the said Lands and hold the same in severalty; and that each of them may have and enjoy their just Proportion to themselves. Pass'd in Council, viz. In Council *Novemb.* 29th. 1724. Read and Ordered, That the prayer of the Petition be granted, and that the Petitioners be and hereby in behalf of

themselves, and the other Heirs of Mrs. *Elizabeth Danforth*, are fully Impowered to agree upon a Partition of the Lands whereof they with other Proprietors are Tenants in Common: Any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence.

Read & Concurr'd.

A Petition of Lieut. *John Lane*, shewing, That in the Year 1722, he Contracted the Distemper that was prevailing among the Forces; and was Confined Four Months at the Town of *Wells*, and was at the Expence of *Thirteen Pounds*, as by a Receipt from Dr. *John Perkins*, being Sick with the Belly-Ake; praying, That the same Sum may be reimbursed him out of the Publick Treasury. Read. And the Question was put, *Whether the prayer of the Petition shall be granted?*

It pass'd in the Negative. [ 42 ]

An Account of Maj. *Hammond* for Subsisting sundry Men; Expresses, &c. in the Service of the Province, in the County of *York*. Read & Committed to the Committee for Muster Rolls.

A Petition of *John Annable*, shewing, That he did the Duty of Lieutenant, in Capt *Bourne's* Company, from the time that Lieut. *Demick* was Wounded at *Norridgewock*, till their return; praying the Consideration of this Court for Allowance for said Service. Read. And the Question was put, *Whether the prayer of the Petition shall be granted?* It pass'd in the Negative.

A Petition of *Jabez Bradbury*, shewing, That whereas he had been out above Two Years in the Service, and thereby was Entitled to, and received a Dismission by the Act of this Court; but at the Desire of Col. *Westbrook*, he went as Pilot to the Marching Forces in the late Expedition to *Penobscut*; praying the Allowance usual may be made him for his said Service. Read & Committed to the Committee for Muster-Rolls.

The Report of the Committee of both Houses appointed the 12th Currant on the Petition of sundry of the Inhabitants of the Town of *Dedham*, near the old Saw-Mill. Signed in the Name, and by Order of the Committee, *Wm. Tailer*. Pass'd in Council, viz. In Council, *Novemb. 27th 1724*. Read & Ordered, That this Report be accepted; and that the South part of the Town of *Dedham* be set off a distinct Precinct according to the Bounds before-mentioned; and that the Inhabitants of the said Precinct pay the Committee's Accompt, amounting to the Sum of *Five pounds thirteen shillings*.

Sent down for Concurrence.

Read & Concurr'd with the Amend-

ments; and that the Petitioners have Liberty to bring in a Bill to Erect the said Lands into a Township accordingly. Sent up for Concurrence.

*Resolved*, That the Sum of *seven pounds* be allowed and paid out of the Publick Treasury to Capt. *Richard Bourne*, for the like Sum advanced and

expended by him in raising a Company of Indians in the Service of this Province, in *June* last.

Sent up for Concurrence.

### Post Meridiem.

*Ordered*, That Mr. *Lewis* go up with a Message to His Honour and the Honourable Board, to Enquire whether the Letters are sent to the Governour of *New-York*, and the Neighbouring Governments, respecting Monsieur *Veaudreuil* Governour of *Canada*, &c. And whether the Board have passed on the Resolve for Supply of the Treasury.

Who return'd, That His Honour said, That the Letters were now Sealing up; and that the Resolve for Supply of the Treasury was now under Consideration.

*Voted*, That Mr. Speaker, Mr. *Remington*, Mr. *Lewis*, Mr. *Wainwright* and Mr. *Clark* be a Committee to take under Consideration the several Letters and other Papers, lately received from Mr. Agent *Cooke*, and prepare what they think may be proper for this House to Write in Answer to the same, to the said Mr. *Cooke*.

*Resolved*, That Mr. Treasurer *Allen* be, and hereby is Impowered and directed to Purchase and Remit at the lowest and best Rates that he can, the Sum of *Three hundred and fifty pounds* Sterling, to be put into the Hands of *Elisha Cooke*, Esq; the Agent for this House, now at the Court of *Great Britain*, the better to enable him to Negotiate the Affairs he is there Intrusted with. Sent up for Concurrence, by Capt. *Kent*, Mr. *Choate* and Mr. *Johnson*.

A Petition of *Joseph Royal* of *Boston*, Sail-Maker, shewing, That at an Inferiour Court of Common-Pleas, Held at *Boston* for the County of *Suffolk* in *January 1721*, he Recovered Judgment against *Edward Beale* of *York* in the County of *York*, for the Sum of *l. 58 s 6 d.* being the Chancery of a Bond to it's just Debt and Damages; and Costs of Suit Taxed at *l. 2 16 s. 6 d.* and Execution was Issued out on the 22d of *January 1721*, upon the said Judgment; and was committed to *John Leighton*, Esq; then Sheriff of the County of *York*, who Levied the same on the House and Land, &c. of the said *Beale*; and as the said Sheriff declared he sent the same in a Letter directed [ 43 ] to the Clerk of the said Court by the Post, but so it hapned that the said Letter Miscarried, and the Execution was never returned into the proper Office, as the Petitioner can find; praying, that as he is now without any Relief at the Common Law, this Court would please to Order that the Clerk of the said Inferiour Court may be directed to Issue out an *Alias Execution* for the Debt and Costs recovered against the said *Edward Beale*, as aforesaid. Read and *Ordered*, That the prayer of the Petition be granted, and that the Clerk of the Inferiour Court of Common Pleas for the County of *Suffolk*, be directed to Issue out an



*Alias Execution* for the Debt and Costs recovered by the Petitioner against the said *Edward Beale*, as aforesaid; Any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

A Memorial of Capt. *Ebenezer Brookes*, shewing, That in making up his Muster-Roll in *Decemb.* last, the Wages due to *Joseph Blandshire* and *Benjamin Packer*, Two Pilots to his Troop, were casually omitted being carried out to their Names; praying, That the same may be now allowed for the reasons therein mentioned. Read and *Resolved*, That the Sum of *Two pounds* and *Ten shillings* be allowed and paid out of the Publick Treasury to *Joseph Blandshire*, and the Sum of *One pounds Two shillings* be allowed and paid out of the Publick Treasury to *Benjamin Packer*, in full for their respective Services as Pilots to the Company of Troopers, Commanded by the said *Ebenezer Brookes*. Sent up for Concurrence.

The Petition of *Benjamin Hobbart*, *Nathaniel Thayer*, and sundry other Inhabitants of the South Precinct in *Brantrey*, praying as Entred the 20th of *November*, and referred to this day. Read. And the Parties were admitted into the House and were fully heard on the Petition, and withdrew. And the House having considered this Petition together with the Answer of the South Precinct in *Brantrey* thereto. *Voted*, That Col. *Robert Spur*, Mr. *Edward White* and Mr. *Ebenezer Stone*, with such as the Honourable Board shall Appoint be a Committee to repair to the said South Precinct in *Brantrey*, and consider the Circumstances of the several Parts thereof, the Scituation of the Meeting-house there, and report to this Court in their next *May* Session, Whether it be convenient and accommodable to remove the said Meeting-house, as Petitioned for; and that in the mean time the most Southern Inhabitants of said Precinct forbear and hereby are restrained from any further proceeding in procuring Timber for Erecting another Meeting-house.

The Charge of the Committee to be born by the said Precinct. Sent up for Concurrence.

A Bill Entitled, *An Act in addition to an Act Entitled, An Act for the better Regulating of the Ferry over Charles-River, betwixt Boston & Charlestown.* Made in the Ninth Year of the Reign of the late Queen *ANNE*. Read a second Time.

A Bill Entitled, *An Act in addition to an Act Entitled, An Act relating to Strays and lost Goods, &c.* Made in the Tenth Year of the Reign of His late Majesty King *WILLIAM* the Third. Read a second Time.

A Bill Entitled, *An Act to Enable the Executors or Administrators of Dead Constables or Collectors to Sue for and Recover any Assessments, not Collected by them in their Lives time.* Read a second Time.

A Bill Entitled, *An Act for the more easy Levying & Regulating Soldiers.* Read a second Time.

A Bill Entitled, *An Act for the further Encouragement and Regulation of the Officers & Soldiers retained in His Majesty's Service and Pay of this Government.*

Read a second Time.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

*Mercurij Die 2. Decembris, A. D. 1724.*

**M**R. *Lewis* from the Committee for Muster-Rolls, Reported, *viz.* On the Muster Roll of the Company in His Majesty's Service under the Command of *John Keys* Serjent at *Shrewsbury*, as Entred the 28th ult. The Committee having examined the same, find it right Cast, and Vouch'd by the said Serjeants Oath, [ 44 ] and are of Opinion, that the Wages due on this Roll Amounting to *l. 92 16 s. 1 d.* be allowed and paid out of the Publick Treasury to the Officers and Soldiers to whom the same is due; and that *l. 44* for the Subsistence be paid to the said *John Keys*, to be by him paid to the several Persons that Subsisted them, in full discharge thereof. Read and Accepted, and Resolved, That the Sum of *Ninety two pounds, sixteen shillings and one penny*, be allowed and paid out of the Publick Treasury to the said Serjeant *John Keys*, and the Men born on the Roll, in full discharge of the Wages thereof; and that the further Sum of *Forty four Pounds* be allowed and paid out of the Publick Treasury to the said *John Keys*, to be by him paid to the person or persons that have subsisted the said Men, in full discharge of this Roll.

Sent up for Concurrence.

On the Muster Roll of Capt. *Samuel Wright* of *Rutland*, The Committee having examined the same, find it right Cast, and Vouch'd by the Oath of Capt. *Wright* and Serjeant *Warner*, and are of Opinion, that the Wages due on this Roll, Amounting to *l. 578 13 s. 10 d.* be allowed and paid out of the Publick Treasury to the Officers and Soldiers to whom it is respectively due; and that the Subsistence Amounting to *l. 273* be paid to Capt. *Samuel Wright*, to be by him paid to the several persons that Subsisted them, in full discharge thereof. Read and Accepted, and Resolved, That the Sum of *Five hundred seventy eight pounds, thirteen shillings and ten pence*, be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the Roll, in full discharge of the Wages thereof; and that the further Sum of *Two hundred seventy three pounds* be allowed and paid out of the Publick Treasury to the said Capt. *Wright*, to be by him paid to the person or persons that have Subsisted the Men, in full discharge thereof. Sent up for Concurrence.

On the Muster-Roll of Serjeant *John Sterns* of *Worcester*, as Entred the 28th of *November*, which was Read and Accepted, and thereupon Resolved, That the Sum of *One hundred and twenty four pounds, twelve shillings and four pence* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born

on this Roll to whom the same is respectively due, in full discharge of the Wages thereof; and that the further Sum of *Sixty one pounds five shillings* be allowed and paid out of the Publick Treasury to the said *John Sterns*, to be by him paid to the person or persons that have Subsisted the said Men, in full discharge thereof.

Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service, under the Command of Capt. *John Grey*, as Entred the 27th of *November*, from *September* 28th 1723. to *Novemb.* 20th 1724. The Committee having Examined the same, find it right Cast, and Vouch'd by the Oath of Mr. *Edmund Mountforth*, are of Opinion, That there be Deducted from *Joseph Page*, a Deserter, 7 s 6 d. and from *Benjamin Blackstone* the Sum of l. 4 for Two Months Absence from his Duty, after which that the remaining Sum, viz. l. 863 14 s. 2 d. be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on this Roll to whom the same is respectively due, in full discharge of the Wages thereof.

Read and accepted and *Resolved*, That the Sum of *Eight Hundred & sixty three pounds fourteen shillings & two pence* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is due, in full discharge of the Wages thereof.

Sent up for Concurrence.

On the Muster-Roll of Capt. *Richard Bourn* from *March* 17th to *June* 26th 1724. Which was Read and accepted, and thereupon, *Resolved*, That the Sum of *Two Hundred & fifty six pounds seven shillings* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is respectively due in full discharge of the Wages thereof.

Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Richard Bourne* from *Novemb.* 27th 1723, to *March* 16th following, as Entred the 1st Currant. The Committee having Examin'd the same, find it right Cast, and Vouch'd by said Capt. *Bourne*, Capt. *Moulton* and Mr. *Mountforth*, so far as might [ 45 ] be expected from them; are therefore of Opinion, That the Sum of l. 44 s. 11 d. said to be due to *Samuel Parris*, *Nathaniel Millet* and *John Swan* returned Run, &c. being first Subducted, the remaining Sum, viz. l. 324 1 s. 7 d. be allowed and paid out of the Publick Treasury to the Officers and Soldiers to whom it is respectively due, in full discharge thereof.

Read and accepted, and *Resolved*, That the Sum of *Three hundred twenty four pounds one shilling & seven pence* be allowed and paid out of the Publick Treasury, to the Officers and Soldiers born on the within Roll, to whom the same is respectively due, in full discharge of the Wages thereof.

Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service, under the Command of Capt. *Richard Bourne*, from *June 26th to Novemb. 20th 1724*. Which was Read and accepted and *Resolved*, That the Sum of *Two hundred eighty eight pounds nine shillings and ten pence* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is respectively due, in full discharge of the Wages thereof. Sent up for Concurrence.

*Melatih Bourne* Esq; brought down the Resolve for the Supply of the Treasury, pass'd in Council, *viz.* In Council, *December 1st 1724*. Read and Concurr'd with the Amendments, *viz. dele, the first word — Five — and add — Ten — dele, the second word — Five — and add — Ten — dele the third words, — Five thousand pounds — add, — Ten thousand pounds*, being the remainder of the of the aforesaid *Thirty Thousand pounds — dele from the Words —* and that the Sum of *Fifteen Thousand pounds, &c. — to the Words —* next after —. Sent down for Concurrence.

Read & Non-concurr'd, and the House adhere to their own Vote.

Sundry Accompts from the County of *Hampshire*, for Billeting, Meals, Scoutings, Expresses, &c. in the Service of the Province. Read & Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Col. *Thomas Westbrook*, Capt. being Col. *Westbrook's* particular Company.

Read & Committed to the Committee for Muster-Rolls.

An Accompt of Repairs at His Majesty's Castle *William*, amounting to *l. 103 13s. 1d.* Signed by Order of the Committee, *William Tailer*. Pass'd in Council, *viz.* In Council, *Decemb, 2d 1724*. Read and sent down. Read & Committed to the Committee for Muster-Rolls.

An Accompt of *Edmund Mountforth* for sundry Disbursements by him advanced and paid for His Majesty's Service, Eastward. Read & Committed to the Committee for Petitions.

An Accompt of Dr. *William Davis* amounting to *l. 22 12 s.* being for sundry Medicines, Visits, &c. to the Indian Prisoners, &c. at *Boston*, by Order of Mr. Sheriff *Winslow*. Read & Committed to the Committee for Petitions.

A Petition of Lieut. *Joseph Dimmock*, setting forth, That by reason of the Wound he received in the Engagement against the Indian Enemy at *Norridgewock*, he has been obliged to be at the Expence of *Fifteen shillings* per Week, from the 15th of *August*, in the Town of *Boston*, in order to get Cur'd of said Wound; praying the Compassionate Consideration of this Court, for such Relief in the Premises, as to them in their Wisdom shall seem meet.

Read & Committed to the Committee for Petitions.



A Memorial of Capt. *Samuel Wright*, setting forth, That Serj. *Hartwell*, in making up his Muster-Roll, Omitted Entring *John Wheeler*, *Philip Glason* and *Josiah Bennet* of *Shrewsbury*, for Ten Days Wages and Subsistence, they being so long in the Service; praying, That the same may be now allowed out of the Publick Treasury, for the Reasons therein mentioned. Read & Committed to the Committee for Muster Rolls.

An Accompt of the Trustees for Letting out the *l.* 50,000 Loan, from *January* 15th 1723, to *Novemb.* 23d 1724. Read & Committed to the Committee appointed to Audit the Accompts of the Commissioners of the *l.* 100,000 Loan; and make Report thereon. [ 46 ]

### Post Meridiem.

An Accompt Dr. *George Pemberton*, for sundry Medicines, internally & externally Administred to the Sick and Wounded at *Castle William*, and the Forces Eastward.

Read & Committed to the Committee for Petitions.

*Melatih Bourne*, Esq; brought down an Engross'd Bill Entitled, *An Act for Altering the Times for Holding the Superior Court of Judicature, Court of Assize and General Goal Delivery, for the County of Suffolk*, Read & Resolved, That the Bill pass to be Enacted.

A Petition of the Select-Men of *Kittery*, praying, That the Sum of *seven pounds* so much laid on that Town to be Collected from the North part of *Isle of Shoals*, part of their Tax for the present Year may be Remitted, for the Reasons therein mentioned.

Read and the Question was put, *Whether the prayer of the Petition shall be granted?*

It pass'd in the Negative.

A Muster-Roll of the Company in His Majesty's Service under the Command of *Aaron Willard* of *Lancaster*, Serjent. Read & Committed to the Committee for Muster Rolls.

Several Papers, Affidavits, &c. respecting the Conduct of Col. *Harman*. Read & Committed to Mr. *Hovey*, Capt. *Wells*, Maj. *Fullam* and Mr. *John Paine* to consider of the same, and Report what they think proper to be done thereon.

A Memorial of *Anne Tompson*, Widow, shewing, That her Eldest Son *James Tompson* late a Soldier in Col. *Harman's* Company, Deceased, having left little or no Estate besides his Wages; praying, That Capt. *Peter Nowell* may be allowed & impowred to receive what Wages was due to him from the Province on said Roll at his Decease. Read & Resolved, That the Treasurer be impowred and directed to Pay to Capt. *Peter Nowell* what Wages was due to the said

*James Tompson*, at his Decease; the said *Nowell* to be Accountable to the Legal Representatives of the said *Tompson*, for the Sum he shall receive.

Sent up for Concurrence.

A Petition of *Rowland Norton* a Soldier in the Service of the Province at Fort *George*, under the Command of Capt. *John Gyles*, shewing, That by Order of his Captain, he went from *Richmond* to *Arrowsick* in *April* last, in a Whale-Boat, and Accidentally his Gun, (being one of the Province Arms,) was dropt over Board into the River, and was not done by his Neglect; Certified by Capt. *Gyles*; praying, That he may not be Charged with the same, for the Reasons given. Read & Ordered, That the Petitioner be not Charged with the Value of said Gun, it being Accidentally Lost, while he was in the Service of the Province, and not through his Neglect.

Sent up for Concurrence.

A Memorial of *John Fern* of *Lyn*, shewing, That his Brother *Obadiah Fern*, was late a Soldier, and Dyed in the Service of the Province, under the Command of Capt. *Dominicus Jordan*, and left no Estate, except a small matter in Wages; praying, That he may be allowed to receive what Wages was due to the said *Obadiah Fern* at his Decease, to enable him to pay the Doctor's and Funeral Charges, &c. Read and Resolved, That the prayer of the Petition be granted; and that Mr. Treasurer be directed to Pay to the Petitioner what Wages was due to said *Obadiah Fern* at his Decease, to be applied to defray the Charge of his Sickness and Funeral, &c. as mentioned in the Petition. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a-Clock

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# V O T E S

## Of the House of Representatives.

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Jobis Die 3. Decembris, A. D. 1724.

**A** Petition of *John Bickmore* of *Dorchester*, Fisherman, setting forth, That he was in the late Engagement against the Indian Enemy at *Mount Desert*, being Commanded by Capt. *William Cox*, in a Schooner fitted out by Order of His Honour the Lieut. Governour; and in the Engagement the Petitioner was shot thro' both his Thighs, whereby he has been put to considerable Expence and loss of Time; the Petitioner being one of the Men that brought away the Indian Vessel, which they Fought, and obliged the Indians to quit; praying the Compassionate Consideration of this Court for such Relief in the Premises, as to them in their Wisdom shall seem meet.

Read & Committed to the Committee for Petitions.

A Bill Entitled, *An Act in addition to an Act Entitled, An Act for the better Regulating of the Ferry over Charles-River, betwixt Boston & Charlestown.* Made in the Ninth Year of the Reign of the late Queen *ANNE*.

Read a third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

A Bill Entitled, *An Act in addition to, and for Repealing one part or Clause of an Act made & pass'd by the Great & General Court or Assembly in the Seventh Year of the Reign of His present Majesty King GEORGE, Entitled, An Act for the better Regulating of Swine.* Read a third Time and pass'd to be Engross'd.

Sent up for Concurrence.

A Bill Entitled, *An Act for the more easy Levying & Regulating Soldiers.*

Read a third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

Mr. Treasurer *Allen* was admitted into the House, and inform'd, That he had a Quantity of Torn Bills of Credit, which were also very much Defaced and unfit for further Service, desiring, That a Committee may be appointed to Inspect the same, and burn them to Ashes,

Ordered, That Mr. *Wainwright*, Col. *Chandler*, Mr. *Shove*, Mr. *Oulton*, Mr. *Phillips*, Mr. *Thomas Cushing*, and Capt. *Pepperell*, with such as the Honourable Board shall appoint, be a Committee to take an Accompt of what Torn & Defac'd Bills are in the Treasury, and unfit for further Service, of the Number of each sort of the said Bills, with the whole Sum of them, to give Mr. Treasurer a Receipt for them, and burn them to Ashes, and make Report of their doings herein: And the Committee are desired to Meet on Monday next by Nine in

the Morning, for Examining and Burning the said Bills, &c.  
Concurrence.

Sent up for

A Bill Entitled, *An Act for the further Encouragement and Regulation of the Officers & Soldiers retained in His Majesty's Service and Pay of this Government.*

Read a third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

A Bill Entitled, *An Act to Enable the Executors or Administrators of Dead Constables or Collectors to Sue for and Recover any Assessments, not Collected by them in their Lives time.*

Read a third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

A Bill Entitled, *An Act for the better Regulating the Admission of Town Inhabitants within the Province of the Massachusetts-Bay.*

Read a second &

third Time, and pass'd to be Engross'd.

Sent up for Concurrence. [ 48 ]

A Bill Entitled, *An Act for the regular Warning of the Inhabitants of the several Towns within this Province, for the Choice of Grand and Petty Jurors; and for further Allowance to them out of the County Treasury.*

Read a second Time.

A Muster Roll of the Company in His Majesty's Service under the Command of Capt. *Josiah Willard of Lancaster.*

Read & Committed to the

Committee for Muster Rolls.

Mr. *Lewis* from the Committee for Muster-Rolls Reported on the Memorial of *Henry Morris* and *Robert Perkins*, as Entred the 19th of *November*. Which was Read and Accepted; and thereupon, *Voted*, That the Memorial be Dismiss'd.

*Thomas Palmer, Esq;* brought down the Vote for supplying Mr. Agent *Cooke* with *Three hundred & fifty pounds* Sterling, sent up the 1st Instant, pass'd in Council, viz. In Council, *December 2d 1724.* Read and Concur'd with the Amendment, viz. *After the Words* — there intrusted with — *add* — by the House —.

Sent down for Concurrence.

Read & Concur'd.

An Engross'd Bill Entitled, *An Act for dividing the Town of Sherburn, & Erecting a New Town there, by the Name of Holliston.*

Read & Resolved,

That the Bill pass to be Enacted.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Accompt of *Phillip Goss*, as Entred the 1st Currant, The Committee having Examined the foregoing Accompt of Expresses and other Services, as mentioned, are of Opinion, That after the Deduction of *l. 6 19 s. 11 d.* from what is Charged for Capt. *Goss's* Care of the Scout, and Billeting himself, the remaining Sum, viz. *l. 16 16 s. 4 d.* be allowed and paid out of the Publick Treasury to the said Capt. *Philip Goss*, to be by him paid to the several Persons to whom it is respectively due in full discharge thereof. Read & Accepted, and Resolved,



That the Sum of *Sixteen pounds sixteen shillings and four pence*, be allowed and paid out of the Publick Treasury to the said Capt. *Philip Goss*, to be by him paid to the several Persons to whom the same is respectively due, in full discharge of said Accompt. Sent up for Concurrence.

On the Accompt of Maj. *Joseph Hammond*, as Entred the 1st Currant, The Committee having Examined the same, are of Opinion, That there be Subducted from the first Article 11 s. 5 d. and 4 s. from the second Article, which makes 15 s. 5 d. that the remaining Sum, being l. 12 9 s. be allowed and paid out of the Publick Treasury to the Accomptant Maj. *Hammond*, to be by him paid to the Person or Persons to whom the same is due, in full discharge of said Accompt. Read & Accepted and *Resolved*, That the Sum of *Twelve pounds nine shillings* be allowed and paid out of the Publick Treasury to Maj. *Joseph Hammond*, to be by him paid to the Person or Persons to whom the same is due, in full discharge of said Accompt.

Sent up for Concurrence.

### Post Meridiem.

Col. *Chandler* from the Committee for Petitions Reported on the Petition of Mr. *Samuel Jordan*, as Entred the 25th. Which was Read and Accepted, and thereupon, *Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury to the said *Samuel Jordan*, in full discharge of the Charges mentioned in the Petition. Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of Lieut. *Jabez Fairbanks* of *Lancaster*. Read & Committed to the Committee for Muster-Rolls.

A Memorial of a Committee of the Overseers of *Harvard College*, shewing, That the said Overseers had Approbated the Choice of the Corporation of the said College, of the Reverend Mr. *Benjamin Colman*, to be President of said College; and praying, That this Court would Allow the said President an Honourable Allowance, for the Reasons in the Memorial mentioned. Read. *And forasmuch as at present it is Uncertain, whether the Church of which the Reverend Mr. Colman is Pastor, can be perswaded to part from him, or whether Mr. Colman is Inclined to leave his Church, and undertake the Office of President of Harvard-College; and this being a Matter of great weight & importance, especially to the Establishment of the Churches in this Province, as [ 49 ] well as to the said College: Therefore Voted*, That the further Consideration of this Memorial be referred until the said Mr. *Colman's* Mind, as well as the Church of which he is Pastor be Communicated to this Court, and made certain, whether he and they are willing that he should Accept of the Choice, and undertake the Office of President of *Harvard College*, to which he is Chosen as aforesaid.

Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service, under the Command of Lieut. *John March*. Read & Committed to the Committee for Muster-Rolls.

Col. *Chandler* from the Committee for Petitions Reported, On the Account of Mr. *Sheriff Winslow*, as Entred the 30th of *November*. Which was Read & Accepted and thereupon *Resolved*, That the Sum of *Twenty three Pounds* be allowed and paid out of the Publick Treasury to *Edward Winslow*, Esq; in full discharge of said Account.

Sent up for Concurrence.

On the Accompts of Dr. *George Jackson* as Entred the 23d of *November*. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Twenty nine pounds seven shillings & three pence*, be allowed and paid out of the Publick Treasury to Dr. *George Jackson* in full discharge of the said Accompts.

Sent up for Concurrence.

*Edward Bromfield*, Esq; brought down the following Vote of Council, viz. In Council, *December 3d 1724*. *Resolved*, That Mr. *John Gouldin* a principal Inhabitant of the Town of *Holliston*, is hereby directed and impowered to Notifie and Summon the Inhabitants of said Town, duely Qualified for Voters, to Assemble and Meet together for the Choosing of Town Officers, to stand until the next Annual Election according to Law. Sent down for Concurrence. Read & Concurr'd.

*Whereas the General Court at their Session in May last, pass'd a Resolve, "That upon any one of the Commission Officers, Serjents or Clerks of the Companies, on the late Canada Expedition 1711. making Oath before Mr. Treasurer, that the Men born on the Rolls of their respective Companies have returned their Arms to the Province, they or their lawful Representative shall Receive Fifty Shillings in Lieu of the Arms, &c. out of the Treasury:" And there being several Soldiers Deceased, and having no other Estate to Administer upon but the said Fifty Shillings.*

To prevent the Charge of Administration: *Resolved*, That upon a Certificate from a Justice of the Peace or Town Clerk to the Treasurer, That *A. B.* is next of Kin to the Person Deceased; in such Case upon their, or their Order or Substitute, producing such Certificate shall Receive the *Fifty Shillings* out of the Treasury. *And whereas the Company of Capt. Joseph Brown are kept from Receiving their Fifty Shillings, for want of an Officer Swearing to the Roll, the said Captain being Infirm, and not able to come to Boston, and some of the Under Officers being Dead.* For Remedy whereof, *Resolved*, That Capt. *Joseph Brown*, or any Surviving Officer of his Company, making Oath as above-said, before a Justice of the Peace within the County where they dwell, shall enable the Treasurer to pay each Soldier of said Company his *Fifty Shillings*.

Sent up for Concurrence.

*Thomas Palmer*, Esq; brought down the Petition of sundry of the Inhabitants of the Town of *Dedham*, near the Old Saw-Mill; with the Vote on the Report of the Committee of both Houses thereon, as Entred the 1st Currant, pass'd in Council, *viz.* In Council, *December* 2d 1724. Read and Non-concurr'd, and the Board insist on their former Vote. Sent down for Concurrence. Read and Non-concur'd, and the House insist on their Vote.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

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**Veneris Die 4. Decembris, A. D. 1724.**

**A** Muster-Roll of the Company in His Majesty's Service under the Command of Serj. *Thomas Newhall*.

Read & Committed to the Committee for Muster-Rolls. [ 50 ]

*Nathaniel Byfield*, Esq; brought down the Resolve for Supply of the Treasury. Pass'd in Council, *viz.* In Council, *December* 3d 1724. Read, and the Board insist on their Amendments. Sent down for Concurrence. Read & Non-concur'd; and the House insist on their own Vote.

A Petition of Mr. *Samuel Stutevant*, for, and in behalf of *Mary Ransom* of *Plympton*, Widow of *John Ransom* Deceased, shewing, That her late Husband was a Soldier in the Service of this Province, and Posted at *St. George's* in the Block-House there; and in the Engagement in *May* last, was slain by the Indians, and left no Estate except his Wages, praying, That the Treasurer may be impowred and directed to Pay what Wages was due to the said *John Ransom*, without her being put to the Charge of taking out Letters of Administration. Read & Resolved, That the Treasurer be, and hereby is impowred and directed, to pay to Mr. *Samuel Sturtevant*, for the Use of the said *Mary Ransom*, what Wages was due to her Deceased Husband, at the Time of his being Slain, Sent up for Concurrence.

A Bill Entitled, *An Act to retrench the Extraordinary Expence at Funerals.*

Read a second and third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

An Accompt of *Ebenezer Tailer*, for Medicines, Attendance, &c. on *Jabez Davis* a Soldier Wounded in the Service of this Province. Read & Resolved, That the Sum of *Thirty shillings & six pence* be allowed and paid out of the Publick Treasury to *Eleazer Tyng*, Esq; to be by him paid to the said *Ebenezer Tailer*, in full discharge of said Accompt. Sent up for Concurrence.

A Petition of *Thomas Hogg*, late of *George-Town*, shewing, That in *August* and *September* 1721. the Petitioner's Wife Nursed and had the Care of one *John Pike*, then a Soldier in the Service of this Province, who was Sick of a Fever; Certified by Dr. *Ebenezer Allen*; and for her Trouble & Care the Peti-

tioner thinks she reasonably deserves, *l. 5 8 s.* praying he may be allowed to receive the said Sum out of the Publick Treasury. Read & Committed to the Committee for Petitions.

*John Turner, Esq;* brought down the Report of the Committee appointed the 16. of *June* past, on the Petition of *Ephraim Angier*, and others, *Executors* of the last Will & Testament of the late Rev. Mr. *Samuel Angier* Deceased. Sign'd *Jonathan Dowse, Jonathan Remington, Charles Chambers*, with the following Vote of Council, thereon, *viz.* In Council, *December, 3d. 1724.* Read & Resolved, That so far as appears to this Court, the Arrears due to the Estate of the said Mr. *Angier* from the Precinct whereof he was and Dyed a Minister, amounting to the Sum of *l. 102 8 s. 5 d.* and that the Rateable Inhabitants of the said Congregation, or within the said Precinct, ought by Law to discharge and pay the same to the said Executors. *And to the end that the Inhabitants of the said Precinct or Congregation may be reimbursed the Sum aforesaid (so far as the same will Amount:)* It is further Resolved & Ordered by this Court, That the Inhabitants of the said Precinct or Congregation, or such a Committee as they shall Choose for that Purpose, be, and they are hereby fully Authorized and Impowered in any proper Method in the Law, to Recover all such Sums of Money as are or may be justly due from any of the Collectors of and for the said Precinct or Congregation, (their Executors or Administrators in case of Death,) as shall appear upon any List or Lists Committed from Time to Time, to any of the Constables of *Watertown*, during the Ministry of the said Mr. *Angier*, and for the gathering in his Yearly Rate or Maintenance. Sent down for Concurrence. Read & Concur'd.

A Muster-Roll of the Company in His Majesty's Service, under the Command of Lieut. *Peter Oliver.* Read & Committed to the Committee for Muster Rolls.

A Bill Entitled, *An Act for Explanation of, and in Supplement to an Act Entitled, An Act for High Ways.* Made in the Fifth Year of the Reign of King *WILLIAM* and Queen *MARY.* Read a first Time. [ 51 ]

An Accompt signed *Joseph Marion*, for Writing in the Service of this Court. Read and Resolved, That the Sum of *Three pounds ten shillings & six pence* be allowed and paid out of the Publick Treasury to the Accomptant *Joseph Marion* in full discharge thereof. Sent up for Concurrence.

An Accompt signed *Robert Forrister* for sundry Repairs in and about the Province House, where His Honour the Lieut. Governour dwells. Read & Resolved, That the Sum of *Four pounds eighteen shillings & nine pence* be allowed and paid out of the Publick Treasury to the Accomptant *Robert Forrister*, in full discharge thereof.

Sent up for Concurrence.



An Account of *Edward Ellis* for a Horse impressed into His Majesty's Service in *June* last, by Lieut. *Joshua Fisher* of *Dedham*, by Order of His Honour the Lieut. Governour. Read and *Resolved*, That the Sum of *Five shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Edward Ellis* in full discharge thereof. Sent up for Concurrence.

A Petition of *Eliezer Ball* of *Rutland*, shewing, That in the Month of *August* last he was shot thro' his Arm by the Indian Enemy, which Cost him *l. 3 10 s.* to get Cur'd of; and that he lost his Gun in the Assault; praying the Consideration of the Court, for such Relief in the Premises, as in their Wisdom shall be thought fit.

Read. And the Question was put, *Whether the prayer of the Petition shall be granted?*

It pass'd in the Negative.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, *viz.*

On the Petition of *Joseph Bane*. The Committee having considered the foregoing Petition of Capt. *Joseph Bane*, and finding him born on Col. *Westbrook's* Roll as Lieut. and Pilot, &c. and an Allowance made him as such, are of Opinion that this Petition be Dismiss'd. Read & accepted, and *Voted*, That the Petition be Dismissed.

On the Petition of Capt. *Samuel Wright*, &c. as Entred the 2d. The Committee having considered the same, are of Opinion, That the Sum of *l. 3 4 s. 3 d.* be allowed and paid out of the Publick Treasury to Capt. *Samuel Wright*, to be by him paid to the within mentioned *Wheeler, Gleason & Bennet*, in full for the Ten Days Service contained in the Petition. Read & accepted, and *Resolved*, That the Sum of *Three pounds four shillings and three pence* be allowed and paid out of the Publick Treasury to the said Capt. *Samuel Wright*, to be by him repaid to the said *John Wheeler, Philip Gleason* and *Josiah Bennet*, in full for the Ten Days Service mentioned in the Petition. Sent up for Concurrence.

On the Muster Roll of Lieut. *Jabez Fairbanks*, as Entred the 3d. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *One hundred & eighty eight pounds thirteen shillings* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, and the person or persons that have Subsisted them, in full discharge of the Wages and Subsistence thereof.

Sent up for Concurrence.

On the Muster-Roll of Serjent *Aaron Willard* of *Lancaster*, as Entred the 2 d. Which was Read and Accepted, and *Resolved*, That the Sum of *One hundred and seventeen pounds, sixteen shillings and eight pence* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll,

and the person or persons that have Subsisted them, in full discharge of the Wages and Subsistence thereof.

Sent up for Concurrence.

On an Accompt of Scouting in *Hadley* the Summer past, attested by Col. *Partrigg*, which was Read and Accepted, and thereupon *Resolved*, That the Sum of *Ten pounds* be allowed and paid out of the Publick Treasury to Serjent *Samuel Boltwood*, to be by him paid to the persons that performed the standing Scout; And further, That the Sum of *Three pounds four shillings and one penny* be allowed and paid out of the Publick Treasury to *John Preston*, in full for the Ferrage within mentioned.

Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service at *Haverhil, Almsbury and Salisbury*, under the Command of Serjent *Isaac Bradley* and Corporal *William Harvey*, as Entred the 27th of *November*, which was Read and Accepted, and thereupon *Resolved*, That the Sum of *Two hundred thirty four pounds, fourteen shillings and seven pence* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born [ 52 ] on the said Roll, to whom the same is due, in full discharge of the Wages thereof: And that the further Sum of *One hundred & fourteen pounds thirteen shillings & seven pence* be allowed & paid out of the Publick Treasury, to Mr. *Thomas Hoite*, to be by him repaid to the Person or Persons to whom the same is due, in full discharge of the Subsistence thereof.

Sent up for Concurrence.

On the Muster-Roll of the Company under the Command of Col. *Eleazer Tyng* Captain, as Entred the 27th of *November*. Which was Read & Accepted, and thereupon, *Resolved*, That the Sum of *Five hundred & sixteen pounds ten shillings & two pence*, be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll in full discharge of the Wages thereof. And that the further Sum of *Two hundred & thirty two pounds two shillings and one penny half penny* be allowed and paid out of the Publick Treasury to Col. *Eleazer Tyng*, to be by him repaid to the Person or Persons that have Subsisted the said Men, in full discharge of the Subsistence thereof.

Sent up for Concurrence.

On the Muster-Roll of the Company under the Command of Serjent *Ephraim Hildreth*. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *One hundred forty three pounds eighteen shillings & ten pence*, be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll to whom the same is due, in full discharge of the Wages thereof. And that the further Sum of *seventy pounds eight shillings & six pence* be allowed and paid out of the Publick Treasury to Capt. *Ephraim Hildreth*, to be by him repaid to the Person or Persons to whom the same is respectively due, in full discharge of the Subsistence thereof.

Sent up for Concurrence.

On the Muster-Roll of Capt. *Josiah Willard* of *Lancaster*, as Entred the 3d. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Two hundred eighty two pounds two shillings & one penny* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is respectively due, in full discharge of the Wages thereof. And that the further Sum of *One hundred & thirty eight pounds & eight pence* be allowed and paid to Capt. *Josiah Willard*, to be by him repaid to the Person or Persons that have Subsisted the said Men, in full discharge of the Subsistence thereof. Sent up for Concurrence.

On the Muster-Roll of the particular Company in His Majesty's Service, under the Command of Col. *Thomas Westbrook*, as Entred the 2d. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *One Thousand three hundred & seven pounds five shillings & nine pence* be allowed and paid out of the Publick Treasury to Col. *Thomas Westbrook*, the other Officers and Soldiers born on the within Roll, to whom the same is respectively due, in full discharge of the Wages thereof, agreeable to the said Report. Sent up for Concurrence.

A Bill Entitled, *An Act in Addition to an Act Entitled, An Act relating to Strays and Lost Goods, &c.* Made in the Tenth Year of the Reign of His late Majesty King *WILLIAM* the Third. Read a Third Time. And the Question was put, *Whether the Bill shall pass to be Engross'd?* It pass'd in the Negative.

An Accompt of *John Griffin* of *Bradford*, Ferry-Man, for Ferrying Capt. *Epes's* Troop over his Ferry to *Haverhill*, and back again, being Fifty-six Troopers. Read and *Resolved*, That the Sum of *Two pounds sixteen shillings* be allowed and paid out of the Publick Treasury to the Accomptant *John Griffin*, in full discharge thereof.

Sent up for Concurrence.

### Post Meridiem.

Col. *Chandler* from the Committee for Petitions Reported, On the Accompt of *Rowland Dike*, for Entertaining the *Maquois*, as Entred the 24th of *November*. Which was Read, and not Accepted by the House; but, *Resolved*, That the Sum of *Twelve Pounds* be allowed and paid out of the Publick Treasury to the Accomptant *Rowland Dike* in full discharge thereof. Sent up for Concurrence. [ 53 ]

On the Petition of Capt. *Joseph Kellogg* as Entred the 30th of *November*. The Committee are of Opinion, That the Sum of *l. 15* be allowed and paid out of the Publick Treasury to the Petitioner *Joseph Kellogg* in consideration of his Extraordinary Service mentioned in the Petition, and his readiness to serve the Province. Read and accepted, and *Resolved*, That the Sum of *Fifteen*

*Pounds* be allowed and paid out of the Publick Treasury, to the Petitioner *Joseph Kellogg*, in Satisfaction of the things mentioned in the Petition. Sent up for Concurrence.

On the Petition of *John Bickmore*, as Entred the 3d Currant. The Committee are of Opinion, That the Sum of *l. 13 3 s.* be allowed and paid out of the Publick Treasury to the Petitioner *John Bickmore*, in consideration of the Wound received through both his Thighs, his Loss of Time, and the Expence he was at for Nursing and Attendance; and that he be discharged from any demands to be made on him by *Dr. Ebenezer Allen*, for the Cure of his Wound. Read & Accepted, and *Resolved*, That the Sum of *Thirteen pounds three shillings* be allowed and paid out of the Publick Treasury to the Petitioner *John Bickmore*, in consideration of the Misfortune of his Wound, Nursing, Attendance, &c. and that he be also discharged from any demands that may be made on him by *Dr. Ebenezer Allen*, for the Cure of his Wound.

Sent up for Concurrence.

On the Petition of Lieut. *Joseph Dimmock*, as Entred the 2d Currant. Which was Read & Accepted, and accordingly *Resolved*, That the Sum of *Sixteen Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Joseph Dimmock*, for his Expence and Loss of Time, in Full until the Session of this Court in *May* next, being occasioned by the Shot received in the Service of this Province, as within-mentioned. Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of the Company in His Majesty's Service under the Command of Lieut. *John March*. Which was Read & Accepted, and accordingly *Resolved*, That the Sum of *Seven hundred ninety eight pounds & six shillings* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is respectively due, in full discharge of the Wages thereof. Sent up for Concurrence.

On the Accompt of Disbursements and Repairs at His Majesty's Castle *William*. Sign'd *William Taler*, per Order of the Committee for Effecting the said Repairs, as Entred the 2d Currant. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *One hundred & three pounds thirteen shillings & one penny*, be allowed and paid out of the Publick Treasury to the Honourable *William Taler*, Esq; in full discharge of the said Accompt. Sent up for Concurrence.

On the Accompt of *Humphry Chadbourne*, for Scouts, Expresses, &c. in the County of *York*, as Entred the 27th of *November*. The Committee having Examined the Accompt; and are of Opinion, That the Time & Service within mentioned is so uncertain, and by whom, and whose Order done, That the same be Dismiss'd. Read and Accepted, and *Voted*, That the said Accompt be Dismiss'd accordingly.



On the Muster-Roll of Lieut. Col. *Johnson Harman*, from Aug. 21. 1723, to Nov. 24, 1724. as Entred the 28th of *Novemb.* The Committee having Examined the same, find it right Cast, and Vouch'd by Col. *Harman's* Oath, have according to the Vote of the House, Deducted *l.* 33 from *Joseph Harman*, he being under the Age of Sixteen Years. *And whereas* David Edwards is Run with a Province Gun, and his whole Wages is taken up of the Commissary contrary to Law, are of Opinion, That the said Commissary make good the Sum of 50 *s.* to the Province, or Return the said Gun. *And whereas* Samuel Clough is Dismissed, and has not returned the Gun he had, That his Wages be not paid until he return the same. *And whereas* Nehemiah Robinson, Jeremiah Hopkinton, George Tootoes & Richard Flood, are run with the Province Arms, That their Wages be also Deducted: All which amount to the Sum of *l.* 52 4 *s.* 2 *d.* After which that the remaining Sum, being *l.* 1559 11 *s.* 2 *d.* be allowed and paid out of the Publick Treasury, to the Officers and Soldiers born on this Roll, as is respectively due, in full discharge thereof. Read & Accepted, and Resolved, That the Sum of [ 54 ] One Thousand five hundred & fifty nine pounds eleven shillings & two pence, be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is respectively due, agreeable to the above Report.

Sent up for Concurrence.

On the Accompt of Dr. *Joseph Pierce* for Medicines, &c. to sundry Soldiers in said *Harman's* Company, and annexed to the abovesaid Roll; amounting to *l.* 10 5 *s.* 6 *d.* The Committee having Examined the same, are of Opinion, That the Sum of *l.* 7 5 *s.* 6 *d.* and no more, be allowed and paid to the said *Joseph Pierce*, in full discharge of said Accompt. Read & Accepted, and Resolved, That the Sum of Seven pounds five shillings & six pence be allowed and paid out of the Publick Treasury to the Accomptant Dr. *Joseph Pierce*, in full discharge of the within Accompt. Sent up for Concurrence.

On one of the *Hampshire* Accompts, for Subsistence of Men and Horses belonging to *Connecticut*, at *Springfield*, &c. The Committee having Examined the same, find it right Cast, and well Vouched, are therefore of Opinion, That the Sum of *l.* 10 19 *s.* 2 *d.* be allowed and paid out of the Publick Treasury to Mr. *William Pyncheon* to be by him paid to the several Persons to whom it is respectively due, in full discharge thereof. Read & Accepted, and Resolved, That the Sum of Ten pounds nineteen shillings & two pence be allowed and paid out of the Publick Treasury, to the said Mr. *William Pyncheon*, to be by him repaid to whom it is respectively due, in full discharge of the within Accompt. Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service under the Command of Lieut. *Peter Oliver*. The Committee having Examined the same, find it right Cast, and Vouch'd by the said Lieut. *Oliver's* Oath, are therefore

of Opinion, That the several Sums said to be due to *John Savage*, *Dennis Mc.Stevens* and *Hugh Dickson*, amounting to *l. 8 11 s. 8 d* be first Subducted from the Roll, they being returned Run; and that the remaining Sum being *l. 886 18 s. 3 d* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is respectively due in full discharge thereof. Read & Accepted, and *Resolved*, That the Sum of *Eight hundred eighty six pounds eighteen shillings & three pence* be allowed and paid out of the Publick Treasury to the Officers and Soldiers to whom the same is respectively due, agreeable to the above Report, and in full discharge of the Wages thereof. Sent up for Concurrence.

A Muster-Roll of the Company of Troopers in His Majesty's Service, under the Command of Col. *Edmund Goffe*. Read & Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service, under the Command of Capt. *John Penhallow*; with an Accompt of Disbursements of the said *Penhallow's*.

Read & Committed to the Committee for Muster-Rolls.

*Samuel Thaxter* and *John Turner*, Esqrs; brought down the following Vote of Council, *viz.* In Council, *December 4th 1724*. Voted, That a Conference be desired with the Honourable House of Representatives, upon that part of the Resolve for Emitting the Sum of *Thirty Thousand Pounds* in Bills of Credit, that relates to the Time of drawing the said Bills into the Treasury again: The said Conference to be attended as soon as may be. *J. Willard*, Secr. Read.

A List of the Names, and an Accompt of the Charge of sundry Persons belonging to Capt. *Samuel Willard's* Troop, who Marched out when the Indians attacked *Dunstable*, the 5th of *September* last. Read. And the Question was put, *Whether the Accompt shall be allowed & paid out of the Publick Treasury?*

It pass'd in the Negative.

Mr. Secretary brought down a Bill Entitled, *An Act to retrench the Extraordinary Expence at Funerals*, pass'd in Council, *viz.* Read Three several Times, and pass'd to be Engross'd: The Body of which Bill being the same in Substance with that sent up by the House this Day to be Engross'd; Mr. Secretary inform'd the House, that the Honourable Board were of Opinion, That the Preamble of the Bill sent down stood fairer and more proper, than that sent up by the House; and therefore desired the Concurrence of the House to the Bill as sent down. Read three several Times, and pass'd a Concurrence.

[ 55 ]

An Accompt of *Sarah Ayres*, amounting to *l. 4 3 s.* for Nursing and Attendance on *Job Jennings* and *Thomas Boide*, Two Soldiers belonging to Capt. *Moulton's* Company, and taken Sick in the Service, and Certified by the said Capt. *Moulton*, &c.

Read & Committed to the Committee for Petitions.

An Muster-Roll of the Company in His Majesty's Service under the Command of Lieut. *John Harman*. Read & Committed to the Committee for Muster-Rolls.

An Accompt of *Jonathan Prescott*, Surgeon, Amounting to *l. 5 15 s.* for Curing *William Cummings* of a Gun-shot Wound received from the Indians in the late Engagement at *Dunstable*. Read & Resolved, That the Sum of *Five pounds fifteen shillings* be allowed and paid out of the Publick Treasury to the said *Jonathan Prescott* in full discharge thereof. Sent up for Concurrence.

*Edward Bromfield*, Esq; brought down the Report of a Committee appointed by this Court in their present Session, on the Petition of *Joseph Underwood*, *John Cummings* and *Jonas Prescott*, praying for a New Precinct in the Westerly part of the Town of *Chelmsford*, as Entred the 18th of *November* past. Signed *Spencer Phipps*, in the Name and by Order of the Committee. Pass'd in Council, viz. In Council, *December 3d 1724*. Read & Ordered, That this Report be accepted; and that the Westerly part of the Town of *Chelmsford*, be a separte Precinct; and upon the Inhabitants Erecting a Meeting-House for the Publick Worship of GOD, and providing a Learned Orthodox Minister to reside among them, they be exempted from Paying any thing to the Support of the Ministry in the other part of the Town, as well as in *Littleton*; the said Meeting-House to be built at the Charge of the New Precinct; saving that the other Precinct is to Pay *One hundred pounds* towards the Charge of the said Meeting-House, one Half in *May* next, and the other Half in *October* following. *Provided always*, That the Salary of the Revd. Mr. *Stoddard*, be no ways Diminished, but made good by the other Precinct. And it is further Ordered, That the Inhabitants of the Westerly part of the Town, pay the Charge of the Committee, amounting to the Sum of *Thirteen pounds & eight pence*. Sent down for Concurrence. Read & Concur'd.

Also another Petition of the said *Joseph Underwood*, &c. praying, That *Whereas this Court have been pleased to grant the prayer of their former Petition, so far as that a Precinct shall be Erected and set off in the Westerly part of the Town of Chelmsford; but no certain Bounds or Limits to the same, being set forth in the Report of the Committee, or Vote of the Court thereupon*, That the Court would please to take Order about it; and by a Committee to be by them for that Service appointed, that the Line may be Run and Setled for the setting off and Erecting the said Westerly half part of the Lands in *Chelmsford*, into a separte Precinct, agreeable to the former Committee's Report, for the Reasons therein mentioned. Pass'd in Council, viz. In Council, *Decemb 3d 1724*. Read & Ordered, That the former Committee, (or any Three of them) with a Skilful Surveyor, Run the Divisional Line between the two parts of the Town of *Chelmsford*, according as is proposed in this Memorial; and make Report thereof to this Court for their Acceptance at their Session in *May* next: And that the Inhabitants of the Westerly part of said Town, Pay the Charge of

Running the said Line.  
cur'd.

Sent down for Concurrence.

Read & Con-

*Jonathan Dowse*, Esq; brought down a Petition of *Joseph Tucker*, *Timothy Jones*, *Joseph Morse*, and sundry others of His Majesty's English Subjects, Inhabiting a Tract of Land, belonging to the Indian Proprietors of *Puncapaug*, praying, That as they and their Predecessors have for more than Twenty Years holden their respective Tenements whereon they now dwell in *Puncapaug* aforesaid, by Lease from the said Indian Proprietors; That this Court would grant them Liberty to Purchase the Indian Title of the respective Tenements under their Improvement as aforesaid, for the Value Reported by a former Committee of this Honourable Court, or on such other Conditions and Regulations as to this Court shall seem meet. Pass'd in Council, *viz.* In Council, *Decemb. 4th 1724.* Read & Ordered, That the Petitioners, *viz.* The English Tenants or Lesiees at *Puncapaug*, have Liberty, and they are hereby allowed [ 56 ] to Buy out the Reversion of such Lands as they have upon Lease, or turn their Estates into a Fee Simple, by good Deeds of Release or Quit Claim from the Indian Proprietors of *Puncapaug*, upon such Terms, or paying such a Valuable Consideration as a Committee to be appointed by this Court shall judge reasonable; the Money raised by such Deeds of Confirmation to be received by the Committee in Order to be apply'd for the Use of the Indians of *Puncapaug*, in such manner as this Court shall Order. *Provided also*, That the said Committee approve the respective Deeds of Confirmation from the Indians to the English. *And further Ordered*, That *Nathaniel Byfield* and *Paul Dudley*, Esqrs; with such as the Honourable House of Representatives shall appoint, be the Committee for the Affair aforesaid. Sent down for Concurrence.

Read & Concurr'd.

And Ordered, That *John Quincy* and *Jonathan Remington*, Esqrs; and Mr. *Ebenezer Stone*, be joyned with the Committee for the Affair abovesaid.

Sent up for Concurrence.

An Accompt of the Commissioners for the County of *Middlesex*, for Letting out the *l* 100,000 Loan. Read & Committed to the Committee for that Service appointed.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

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### Sabbati Die 5. Decembris, A. D. 1724.

**S**Amuel Sewall & Penn Townsend, Esqrs; brought down a Petition of *John Harris* of *Wethersfield* in the Colony of *Connecticut*, shewing, That sometime in *May* last at *Marthas Vineyard*, there hapned a Murther of one *Isaac Nequit* an Indian Man Committed and done by one *Josias Challenge* an Indian Man now in Prison; and that the Petitioner with one Capt. *Newton* of *Bristol*



were bound over to the next Court of Assize and General Goal Delivery to be holden at *Plymouth* in April next, to give Evidence of the Fact: That the Petitioner is a Marriner, and has no other Way of getting a Livelyhood, but by the Seas; and is at present hindred from undertaking a Voyage to his Advantage: Praying, That he may either be Discharged from his Recognizance, given to the Coroner of *Dukes County*, and be set at Liberty; or that the Court would please to make him some reasonable Allowance for his being detained here, and foregoing the more profitable Business for a Livelyhood. Pass'd in Council, *viz.* In Council, *Decemb.* 5th 1724. Read and sent down Recommended.

Read & Committed to the Committee for Petitions.

The Vote of Council brought down last Night, for a Conference to be had respecting the Drawing in the Money in the Resolve for Emitting *Thirty Thousand Pounds* in Bills of Credit, Read again. And the House enter'd into a Debate thereon.

And the Question was put, *Whether the House would come into a Conference as therein desired?* It pass'd in the Negative. And

*Ordered*, That the following Message be sent up in Answer thereto, *viz.*

*In Answer to the Message of the Honourable Board of Yesterday, desiring a Conference upon that part of the Resolve for Emitting the Sum of Thirty Thousand Pounds in Bills of Credit, that relates to the Time of Drawing in the said Bills into the Treasury again;*

*Voted*, That a Message be sent up to the Honourable Board to inform them, That We have never as yet Conferred with the Council in Matters of Money, either as to the Quantum or Time of repaying the same into the Treasury; and never was as we know of; desired by the Council but once, which was denied by the House, as being their undoubted Right and Privilege to grant and appropriate the Sum or Sums they do from time to time Raise, and set the time for the Payment or Drawing in the same; and therefore on this Head the House cannot come into a Conference as desired.

Sent up by Mr. *Lewis*, Capt. *Kent*, Mr. *Oulton*, and Mr. *Johnson*.

[ 57 ]

A Petition of *Samuel Wright*, *Joseph Stevens* and *Moses How*, Select-Men, and in behalf of the Town of *Rutland*, praying, That as heretofore they were impowred and enabled to lay a Tax on all the Land in said Town, of *Three pence* per Acre per *Annum*, to defray the Ministerial Charges there for a Term, which is now expired; That this Court would take their Distressed Circumstances into their serious Consideration, and enable them to Levy, Assess and Collect a Tax of *One Penny* per Acre per *Annum*, during the present Indian War, on all and every part of the Thirty Acre Home-Lots, being Sixty in Number, besides the Minister's School, and Ministerial Lot; and also a Tax of *One*

*Penny per Acre* as aforesaid, on all the Rights and after Divisions to each Lot, whether divided or undivided, accounting to each Thirty Acre Home-Lot Three Hundred Acres, inclusive of the Thirty, excepting as before excepted; and that all the said Lands be subjected to the Payment of the said Tax, for defraying the Minister's Salary, and that they may be also freed from paying their Publick Taxes for the Year Current, being *l. 7* and the last Year being *l. 3*. And that they may not be further Taxed to the Province nor County, till they are better able to Provide for themselves, &c. for the Reasons therein given. Read & Committed to the Committee for Petitions.

*Penn Townsend*, Esq; brought down a Petition of *Josiah Winslow*, his Son *Josiah Winslow*, and *Elisha Blackman*, shewing, That they were allowed and impowered by a Private Act of this Court, pass'd in their Session held at *Boston*, the 23d of *October* 1723. to Contest in the Law at the Superiour Court held in *Bristol*, for the County of *Bristol*, on the second Tuesday of *September* last past: The Validity of a Rule of Court by them entred into, the Award of the Referees, and the Judgment of the said Court thereupon, as by a Copy of the said Act, with the Petition Exhibited appears; and that they accordingly Filed their Reasons in due time, in the Clerk's Office of the said Superiour Court, and attended the Directions of the Act; but by Mistake they directed their Reasons of Appeal to the said Court, to be held at *Bristol* aforesaid, on the *First* Tuesday of *September* last past, whereas the same should have been directed to the said Court held on the *Second* Tuesday of the said Month; by Means whereof the said Reasons were Quashed, and Judgment rendred against them and Costs of Suit; and the Petitioners by Means of the said Rule of Court by them enter'd into, have truly lost upwards of *l. 600* of their Property in Lands in *Freetown*; and are without Remedy in the Law, unless the Aid and Assistance of this Court can be obtained: Praying, That for the Reasons aforesaid, they may be impowered by a Resolve of this Court to Contest in the Law at the next Superiour Court of Judicature to be holden at *Bristol* for the County of *Bristol*, the said Rule of Court, Award, Judgment, &c. and Execution granted thereupon, in the same manner as they were Authorized and impowered by the aforementioned Act: They Filing their Reasons of Appeal in the Clerk's Office of the said Superiour Court, and Notifying the Adverse Party in due time: The Mistake in their said Reasons of Appeal, and Judgment thereupon rendred, or any Law, Usage or Custom to the contrary notwithstanding. Pass'd in Council, *viz.* In Council, *Decemb. 4. 1724.* Read & Resolved, That the prayer of the Petition be granted. Sent down for Concurrence. Read & Concur'd.

A Petition of *James Corbin* of *Woodstock*, shewing, That at an Inferiour Court of Common Pleas holden at *Boston* for the County of *Suffolk* in *July* last, *John Payson* and *Benjamin Payson* of *Roxbury*, and others, recovered

Judgment against him for Possession of 1250 Acres of Land, at a Place called *Ashford* in *Connecticut*, within Two Months, or *l.* 180 and Costs of Court, from which Judgment he Appealed to the Superiour Court, to be holden at *Boston* for the County of *Suffolk*, in *November* then next, and Recognized according to Law, and on the 12th of *October* he wrote a Letter to his Attorney, (he himself Living 70 Miles from *Boston*,) seasonably to File his Reasons of Appeal; but by the forgetfulness of the Man that carried the Letter, and promised to deliver it, it did not come to his Lawyers hand in time, so that the said *Paysons* at the said Superiour Court, brought their Complaint against the Petitioner, for not Prosecuting his Appeal, and obtained Judgment for Possession of the Land or *l.* 180 as aforesaid, and Costs; so that tho' he had good [ 58 ] Reasons for his Appeal, yet he is without Remedy in the Law: Praying the Authority of this Court, That he may be allowed to File the Reasons of his Appeal in the Clerk's Office of the Inferiour Court Fourteen Days before the sitting of the next Superiour Court of Judicature to be holden for said County; and that the said Court may be directed and impowered to Try the same, as if he had Filed his Reasons in due Time; and that in the mean time Execution may be stayed upon the Judgment of the Superiour Court, upon said Complaint. Pass'd in Council, *viz.* In Council, *Decemb.* 1st 1724. Read & Ordered, That the prayer of this Petition be granted, the Petitioner Filing his Reasons of Appeal, as set forth in the Petition; and giving timely Notice thereof to the adverse Party.

Sent down for Concurrence. Read & Concur'd.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On an Accompt of Capt. *John Ashley* for Billeting *Connecticut* Soldiers, &c. Vouched by Col. *Goodrich* and Capt. *Ashley*. Which was Read & Accepted, and Resolved, That the Sum of *Sixty three pounds eighteen shillings* be allowed and paid out of the Publick Treasury to Capt. *John Ashley*, to be by him paid to the Person or Persons that have Subsisted the said Men and Horses, to whom the same is respectively due, in full discharge thereof. Sent up for Concurrence.

On the Muster-Roll of Serj. *Thomas Newhall* of *Leicester*, as Entred the 4th. Which was Read & Accepted, and Resolved, That the Sum of *Eighty six pounds three shillings & four pence* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll in full discharge of the Wages thereof. And that the further Sum of *Forty one pounds, fourteen shillings & three pence* be allowed and paid out of the Publick Treasury to the said Serj. *Newhall*, to be by him paid to the Person or Persons to whom the same is respectively due, that have Subsisted the said Men. Sent up for Concurrence.

On an Accompt of *John Appleton*, Esq; Col. for Subsisting sundry Men impressed into His Majesty's Service, and conducting them to *Kittery*, by

Order, amounting to *l. 11 1 s.* The Committee having look'd into the within Account of Col. *John Appleton*, are of Opinion, That it be sent to Mr. Treasurer *Allen*, to pay what he finds just, and well proved, and do Justice to the Province. Read & Accepted and *Resolved*, That Mr. Treasurer *Allen* be directed to pay to the Honourable *John Appleton*, Esq; what is justly due on the within Account.

Sent up for Concurrence.

On the Muster-Roll of Capt. *William Chandler*, as Entred the 25th of *November*. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Two hundred & ninety seven pounds fifteen shillings & eight pence* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, in full discharge of the Wages thereof. And that the further Sum of *One hundred & thirty pounds fifteen shillings & nine pence* be allowed and paid out of the Publick Treasury to Capt. *William Chandler*, to be by him repaid to the Person or Persons that have Subsisted the said Men, in full discharge of the Subsistence thereof; first Deducting what Provisions have been supply'd by the Treasurer.

Sent up for Concurrence.

An Account of Dr. *Joshua Bayley* of *Haverhill*, for sundry Medicines, Dressings, Attendance, &c. on some of the Soldiers in the Service of this Province, Posted there, amounting to *31 s.* Read & *Resolved*, That the Sum of *Thirty one shillings* be allowed and paid out of the Publick Treasury to the Accountant *Joshua Bayley*, in full discharge thereof. Sent up for Concurrence.

Then the House Adjourned till Monday next Three a-Clock Afternoon.

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# VOTES

## Of the House of Representatives.

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Lunæ Die 7. Decembris, A. D. 1724.

**J**ohn Otis, Esq; brought down a Bill Entitled, *An Act to enable the Executors or Administrators of Dead Constables or Collectors, to Sue for, and recover any Assessments, not Collected by them in their Lives Time.* Pass'd in Council, viz. In Council, Decemb. 4th & 5th. Read Three several Times and pass'd a Concurrence with the Amendments. Sent down for Concurrence.

Read & Concur'd.

And, A Bill Entitled, *An Act for Dividing the Town of Dedham, and Erecting a New Town by the Name of Walpole.* Read Three several Times in Council, and pass'd to be Engross'd. Sent down for Concurrence. Read a first Time.

*Voted*, That Mr. Speaker, Mr. Prescott, Capt. Ashley, Mr. Bridges and Capt. Nowel be a Committee to consider the State of the Eastern and Western Frontiers, and to Retrench any Extraordinary Expences there, and Report thereon as soon as may be.

Several Accompts of Scouting, Expresses, Meals, &c. in the Service of the Province in the County of *Hampshire*. Read & Committed to *Joseph Parsons*, Esq; and the other Representatives of that County, to reduce the said Accompts into some proper Form and Order, for the Houses consideration, and Report thereon.

*Samuel Sewall*, Esq; brought down the following Resolve, viz. In Council, Decemb. 5th 1724. The following Question was put upon the Tax Act, *Whether the Reverend Mr. Experience Mayhew of Marthas Vineyard, who is Settled in the Ministry of the Gospel to the Indians there, and Attends the said Work, be a Settled Minister within the meaning of the said Tax Act, and so ought to be exempted from Paying any Tax as to his Poll, and the Estate in his own Hands, and under his own Management?*

Resolved in the Affirmative. Sent down for Concurrence.

Read & Concur'd.

*Ordered*, That Mr. Lewis and Mr. Remington go up with a Message to His Honour the Lieut. Governour, and the Honourable Board, to Enquire of what Moneys have been Ordered by them to be advanced and paid out of the Publick Treasury to Col. *Edmund Goffe*, for Subsistence, or otherwise, upon the Account of his late March on the Western Frontiers.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

Martis Die 8. Decembris, A. D. 1724.

**S**undry Accompts of *David Melvil*, Prison-Keeper of His Majesty's Goal in *Boston* for Subsisting the Indian Prisoners, &c. there. Read & Committed to the Committee for Petitions.

*Voted*, That a Message be sent up to His Honour the Lieut. Governour, and the Honourable Council, to Enquire whether they have passed on the Resolve for the Supply of the Treasury: And that they would please to send to the House what Sums of Money have been advanced and paid out of the Publick Treasury to *Col. Goffe*, on Account of his late Circuit on the Western Frontiers; and to inform them that the House have little or nothing before them, and therefore desire the Honourable Board will pass on and Expedite the Affairs before them, that so this Court may Rise this Week. [ 60 ]

A Bill Entitled, *An Act for Explanation of, and in Supplement to, an Act Entitled, An Act for High Ways*. Made in the Fifth Year of the Reign of King *WILLIAM* and Queen *MARY*. Read a second Time.

A Bill Entitled, *An Act for the Regular Warning of the Inhabitants of the several Towns within this Province, for the Choice of Grand and Petit Jurors; and for the further Allowance of Petit Jurors*. Read a third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service, under the Command of Capt. *Samuel Hincks*, being the Company at His Majesty's Fort *Mary*, at Winter-Harbour; with an Accompt of Wooding the said Fort. Read & Committed to the Committee for Muster-Rolls.

A Memorial of Capt. *Timothy Dwight*, setting forth, That this being the only Season for Victualling the Forces at Fort *Dummer*, now under his Command; and it being for the Interest of the Province, that a Supply for the same should now be laid in: Praying, That he may have a Sum of Money advanc'd to him, to enable him to Purchase Provisions for said Garrison, for the Reasons therein. Read and *Resolved*, That the Treasurer be and hereby is directed and impowred to Advance and Pay to Capt. *Timothy Dwight* out of the Publick Treasury the Sum of *Three Hundred Pounds*, to purchase Provisions, &c. for Victualling the Forces at Fort *Dummer*; he to give Bond to Mr. Treasurer, that the Money be expended in the said Service; and that the Provisions, &c. be accordingly used and expended.

Sent up for Concurrence.

*William Taler*, Esq; brought down the Accompt of *Rowland Dike*, with the Vote of the House thereon, as Entred the 4th Currant, with a Message from the Board, that they had made Enquiry into the Articles of said Accompt, of said *Dike*, and were well satisfied that they were not over-charged; praying

that the House would Reconsider their Vote thereon. Read. And the Question was put, *Whether the House would Reconsider the said Vote?* Resolved in the Affirmative. And further *Resolved*, That the Sum of *Fourteen pounds fifteen shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Rowland Dike*, in full discharge of said Accompt. Sent up for Concurrence.

*Thomas Palmer*, Esq; brought down an Engross'd Bill Entitled, *An Act to enable the Executors or Administrators of Constables or Collectors Deceased, to Sue for and Recover any Assessments not Collected by them in their Life Time.*

Read and *Resolved*, That the Bill pass to be Enacted. And, An Engross'd Bill Entitled, *An Act to Retrench the Extraordinary Expence at Funerals.* Read and *Resolved*, That the Bill do pass to be Enacted.

A Petition of *Hilkiah Boynton*, shewing, That he Officiated as Clerk to the Company under the Command of Col. *Johnson Harman*; and that in Justice and Equity he is Entitled to Clerk's Pay, but is carried out in said *Harman's* Roll as a private Centinal, praying, That he may be allowed Wages accordingly, for the Reasons therein mentioned. Read & Committed to the Committee for Muster-Rolls.

### Post Meridiem.

*Edward Bromfield*, Esq; brought down a Bill Entitled, *An Act in Addition to an Act Entitled, An Act for the better Regulating of the Ferry over Charles River, betwixt Boston and Charlestown.* Made in the Ninth Year of the Reign of the late Queen *A N N E*, as sent up the Third Currant. With a Memorial of the Corporation of *Harvard-College*, Sign'd *Edward Hutchinson*, Treasurer. Pass'd in Council, *viz.* In Council. Read Three several Times, and pass'd a Concurrence with the Amendments, as taken into the New Draft. Sent down for Concurrence. Read & Concur'd.

A Muster-Roll of the Sloop *Merry-Meeting*, *Thomas Sanders*, Master, being a Transport in His Majesty's Service, to the Forces Eastward.

Read & Committed to the Committee for Muster-Rolls.

A Memorial of Dr. *William Douglass*, setting forth, That he and his Associates in the Month of *April* last, Purchased of a Committee of this Court, a certain Tract of Land, joyning to the West Line of the Town of *Mendon*, said to contain Eleven Hundred Acres, (Surveyed by Mr. *Thomas White*,) at the Rate of *Four shillings per Acre*; and [ 61 ] sometime after, the Purchasers being Resolved to make a Division thereof, appointed the said *White* to lay it in Six equal Divisions, in performing which, he found One Hundred and Seventy one Acres Deficient, to make the said Tract of Land Eleven Hundred and one Acres, as paid for: Praying, That the Court would Order the Deficiency to be inspected, that the same may be Redressed, and that they may

have an Equivalent in Lands as to Quantity and Quality, or the Money repaid them.

Read & Committed to the Committee for Petitions.

*William Tailer*, Esq; brought down an Accompt signed *Benjamin Everenden*, and Countersigned *William Tailer*, by Order of the Committee, being for new Making a Quantity of Province Gun-Powder, Cooperage and Cartage of the same, amounting to *l. 79 19 s.* Read & accepted, and *Resolved*, That the Sum of *Seventy nine pounds nineteen shillings* be allowed and paid out of the Publick Treasury, to the Accomptant *Benjamin Everenden*, to be by him paid to the Persons to whom the same is respectively due, in full discharge thereof. Sent up for Concurrence.

A Petition of *Hugh Pike* of *Newbury*, praying, That a Stipend of *Fifteen Pounds per Annum* which he now receives, in consideration of a Wound he formerly received in the Service of this Province, may be raised, for the Reasons mentioned in the Petition, to *Twenty Pounds per Annum*. Read. And the Question was put, *Whether the prayer of the Petition shall be granted?* It pass'd in the Negative.

In the House of Representatives, **December 8. 1724.**

*Resolved*, That for the more Effectual Prosecution of the War against the *Indian Enemy & Rebels*, and putting the Frontiers into a better posture of Defence, there be a suitable Number of good Effective Men in the several Towns hereafter Enumerated, at the Appointment of the Military Commission Officers within the same, who shall each of them forthwith provide themselves with a good suitable pair of Snow-shoes & Moggasins fit for Service, who shall be allowed & paid out of the Publick Treasury the Sum of *Ten Shillings* each, towards defraying the Charge thereof, upon their producing a Certificate under the hand of the Chief Officer of the Company or Troop to which said Snow-shoe Man belongs, that he duly is provided with sufficient Snow-shoes and Moggasins, as aforesaid.

AND if any person or persons who shall be Appointed to provide Snow-shoes and Moggasins in said Towns, shall neglect so to do within the space of *Ten Days* next after his or their being so Appointed, he or they shall forfeit & pay to the use of that Company the Sum of *Twenty Shillings*, to be recovered as the Law has provided in Case of any defects of Arms, and improved for the procuring Snow-shoes & Moggasins for the said Company of Snow-shoe Men, to whom the deficient Man belongs.

THAT His Honour the Lieutenant Governour be desired to Appoint some suitable Officer or Officers in the said several Towns to Exercise the said Snow-shoe Men, in the use of Snow-shoes, by Running or Marching on the Snow, that so they may be Expert in the use thereof.



T H A T upon an Alarm made at any of the Frontiers, Forts or Garrisons, within the Province, or upon the Discovery of the *Indian Enemy* coming upon or Appearing near the same, the said Officers and Snow-shoe Men, or so many of them as can be drawn together as the Circumstances of the Case may require shall, pursuant to the Orders given by the Commander in Chief, for the Time being, March out forthwith after the Enemy, well fitted with Arms, Ammunition, Provision, and each of them a Blanket, to Pursue, Encounter, Repell and Destroy the Enemy; and the said Officers & Soldiers so taking to Arms, besides the Wages and Subsistence allowed the Marching Forces in the Service and pay of the Government, shall be entitled to such other Rewards in [ 62 ] Case they obtain any Plunder, Scalps of the Enemy or Captives, as is by Law provided as a *Premium* or Bounty for those who go forth as Volunteers, without pay.

T H A T the Towns and Number of Persons in each Town who shall be obliged to provide Snow-shoes and Moggasins, shall be as follows,

In the County of *Hampshire*.

*Springfield*, Fifty: Twenty whereof to be on the West side the Great River. *Westfield*, Thirty. *Northampton*, Sixty. *Hadley*, Thirty. *Hatfield*, Thirty. *Deerfield*, Thirty. *Sunderland*, Ten.

In the County of *Middlesex*.

*Dracut*, Fifteen. *Dunstable*, Thirty. *Chelmsford*, Forty. *Billerica*, Twenty. *Groton*, Forty. *Lancaster*, Thirty. *Rutland*, Ten.

In the County of *Essex*. *Haverhill*, Thirty.

In the County of *York*.

*Berwick*, Twenty. *York*, Twenty. *Wells*, Twenty.

T H A T the said Snow-shoe Men be further Allowed and paid out of the Publick Treasury the Sum of *Three Shillings* each, for keeping said Snow-shoes and Moggasins in good Repair fit for Service, during the continuance of the present War, Yearly and once every Year.

Sent up for Concurrence.

A Bill Entitled, *An Act for Explanation of, and in Supplement to, an Act Entitled, An Act for High Ways*. Made in the Fifth Year of the Reign of King *WILLIAM* and Queen *MARY*. Read a Third time and pass'd to be Engross'd.

Sent up for Concurrence.

A Bill Entitled, *An Act for Dividing the Town of Dedham, and Erecting a New Town there, by the Name of Walpole*. Read a second and a third Time, and pass'd a Concurrence with the Amendments. Sent up for Concurrence.

A Petition of *Thomas Hogg* as Entred the 4th Read again, and Referred.

*Voted*, That Mr. Speaker, Mr *Wainwright*, Mr. *Lewis* and Capt. *Kent*, with such as the Honourable Board shall appoint, be a Committee, and are hereby

fully Authorized and Impowred in the Name of this Court, to Confer with the Commissioners from the Government of *Rhode-Island*, &c. upon the said Governments supplying and furnishing their Quota of Men or Money, for carrying on and Prosecuting the War, His Majesty's Subjects here are engaged in, against the Indian Enemy, agreeable to a Letter lately received from the Honourable Governour *Cranston*, and that Government. Sent up for Concurrence.

*Ordered*, That Mr. *Oulton* go up with a Message to the Honourable Board, to desire they would send down the Accompt of Col. *John Appleton*, for Billeting and Subsisting Soldiers, &c. as Entred the 5th Currant.

*Benjamin Lynde*, Esq; brought down the said Accompt.

The House Debated on their Vote of the Fifth Currant thereon.

And the Question was put, *Whether the House would Reconsider the said Vote?*

Resolved in the Affirmative. And further,

*Resolved*, That Mr. Treasurer be directed to Pay out of the Publick Treasury to the Honourable *John Appleton*, Esq; the Sum of *Eleven pounds one shilling* being the Amount of his Accompt. And what is Charged therein for Subsisting the said Soldiers, the Treasurer is hereby further directed to take out of the Captain's Accompt of Subsistence, under whom the said Men were Ordered and Posted.

Sent up for Concurrence.

An Accompt of Lieut. *Joshua Fisher*, Certified by Capt. *Penhallow*, for Subsisting Twenty six Men Impressed into the Service of this Province. Read

and *Resolved*, That the Sum of *Two pounds sixteen shillings* be allowed and paid out of the Publick Treasury to Lieut. *Joshua Fisher*, in full discharge of the said Accompt. And that the Treasurer be directed to take out of the Captain's Accompt of Subsistence, under whom the said Men were Ordered and Posted, the above said Sum of 56 s. Sent up for Concurrence. [ 63 ]

The following Question was put upon the Act in addition to the Act for Regulating Fences, Cattle, &c. viz.

*Whether by the Act Entitled, An Act for Explanation of, and in Addition to, the Act for Regulating of Fences, Cattle, &c. It be the Duty, and in the Power of the Fence Viewers, to set up, or Repair any Fence fal'n down, or otherwise Defective, between Man & Man,* Resolved in the Affirmative.

And that the Law ought so to be understood. Sent up for Concurrence.

*John Otis* and *Samuel Brown*, Esqrs; brought down the following Vote of Council; with a Message that the Commissioners from the Government of *Rhode-Island* had been with His Honour and the Council; and that the Board had Passed the said Vote, before the Vote of the House came up; and the Board desire the House would Pass upon their Vote, viz. In Council, *Decemb. 8th 1724*. *Ordered*, That *Nathaniel Byfield* and *Adam Winthrop*, Esqrs; with such

as the Honourable House of Representatives shall appoint, be a Committee in behalf of this Court, to Confer with a Committee sent from the Government of *Rhode-Island*, upon the Subject of the said Governments furnishing their Quota of Men for the Assistance of this Province, in the present War. Sent down for Concurrence. Read & Concur'd.

And *Ordered*, That Mr. Speaker, Mr. *Wainwright* and Capt. *Kent* be joyned in the Affair: And that the Committee make Report to the Court.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

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*Mercurii Die 9. Decembris, A. D. 1724.*

**A**N Engross'd Bill Entitled, *An Act for Dividing the Town of Dedham, and Erecting a New Town there, by the Name of Walpole.*

Read & *Resolved*, That the Bill do pass to be Enacted.

*Resolved*, That this Court will send Commissioners on the Message to *Canada*, already agreed on, although the Neighbouring Governments do not joyn therein; and that some suitable Person or Persons be accordingly Chosen by this Court, before they Rise. And That Mr. Speaker, Mr. *Thomas Cushing*, Mr. *Wainwright* and Col. *Chandler*, with such as the Honourable Board shall join, be a Committee to draw some proper Heads or Articles of Instructions, for the said Commissioners; and to Sit forthwith, and make Report of their doings.

Sent up for Concurrence.

A Petition of *William Jencks* of *Providence* in the Colony of *Rhode-Island*, in behalf of himself and his Associates, praying, That this Court would make the Grant of Nine Hundred Acres of Land, as laid out to *Samuel Comestock* and his Associates, of whom the Petitioner is one, on the North side of the Colony Line, absolute; or that the Mile of Land to the Northward of the Colony Line, reserved to the Town of *Providence* and Colony of *Rhode-Island*, by the Commissioners appointed by this and that Government, may be Ordered for the Petitioners Settlement and Improvement of said Mile of Land, for the Reasons mentioned in the Petition.

Read and *Ordered*, That Mr. *Thomas Cushing*, Mr. *Edward White*, Col. *Chandler* and Mr. *Shove*, with such as the Honourable Board shall appoint, be a Committee to whom this Petition is referred; that they take the matters and things therein contained into Consideration; and that they Report their Opinion to this Court of what may be proper to be done in Answer to the same.

Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported On the Muster-Roll of the Company in His Majesty's Service, under the Command of Capt.

*Samuel Hincks* at His Majesty's Fort *Mary*, as Entred the 8th. The Committee's Report was Read & Accepted, and *Resolved*, That the Sum of *One hundred and nine pounds five shillings & three pence*, be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is respectively due in full discharge of the Wages thereof.

Sent up for Concurrence. [ 64 ]

On the Accompt of the said *Samuel Hincks*, for Wooding the said Garrison. Which was Read and Accepted, and *Resolved*, That the Sum of *Seven pounds four shillings* be allowed and paid out of the Publick Treasury, to the said *Samuel Hincks*, in full discharge thereof. Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service, under the Command of Capt. *John Penhallow*, as Entred the 4th. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Seven hundred & fifty seven pounds fifteen shillings & eight pence* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is due, agreeable to the said Report, in full discharge of the Wages thereof.

Sent up for Concurrence.

On the Muster-Roll of the Company under the Command of Lieut. *John Harman*, as Entred the 4th. Which was Read & Accepted, and thereupon, *Resolved*, That the Sum of *Fifty seven pounds twelve shillings & eight pence*, be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is respectively due, in full discharge of the Wages thereof agreeable to the said Report. Sent up for Concurrence.

On the Accompt of Scouting at *Westfield*, signed by Capt. *Ashley*. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Twenty three pounds twelve shillings & six pence* be allowed and paid out of the Publick Treasury to Capt. *John Ashley*, to be by him paid to the several Persons that have performed the said Scout, agreeable to the said Report, and is in full of the said Accompt.

Sent up for Concurrence.

An Accompt of *Roger Mitchel* for going sundry Expresses in the Service of the Province in the County of *Hampshire*, by Order of Capt. *William Pepperell*. Read and *Resolved*, That the Sum of *Twenty shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Roger Mitchel*, in full discharge thereof.

Sent up for Concurrence.

### Post Meridiem.

An Accompt signed *Samuel Tyley*, amounting to *l. 12 s. 6 d.* for Writing in the Service of this Court. Read & Committed to the Committee for Petitions.



The Committee of both Houses appointed to Enquire into the Number of Torn and Defac'd Bills, and Burn the same to Ashes, Reported thereon according to Order, viz.

*In Obedience to an Order of the Great & General Court at their present Session, appointing us the Subscribers a Committee to take an Account of Province Bills of Credit, that are Torn and Defac'd;* We have accordingly received of Mr. Treasurer *Allen*, the several Bills of the Denomination in the above Account, amounting to the Sum of *l. 6284 8 s. at their express Value*; all of which Bills we have consumed to Ashes, whereof *l. 3095 14 s. 7 d.* part of the abovesaid Sum, was delivered us on Account of the *l. 50,000 Loan Nett Bills*, received of the Trustees abovementioned: Also *l. 939 16 s. 11 d.* part of the aforesaid Sum was delivered us on Account of the Province, as being received for Taxes, Impost & Excise, which with the *Five per Cent. Advance* thereon, as they were received into the Treasury, amount to the Sum of *l. 986 16s. 8d.* Also the remaining Sum of *l. 2248 16 s. 6 d.* was delivered us on Account of the Province, as being received for Taxes, Impost and Excise, without the *Five per Cent. Advance*; Making in the whole the Sum of *Six Thousand three hundred thirty one Pounds seven Shillings & nine Pence.* As Witness our Hands this seventh of *December 1724.* *Penn Townsend, &c.*

Read & Accepted, and *Resolved*, That Mr Treasurer *Allen* be and hereby is discharged from the said Sum of *Six Thousand three hundred thirty one Pounds seven Shillings & nine Pence* accordingly. Sent up for Concurrence.

Col. *Chandler* from the Committee for Petitions, Reported on the Account of *Richard Hunt*, as Entred the 27th of *Novemb.* Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Thirteen Pounds* be allowed and paid out of the Publick Treasury to the Accomptant *Richard Hunt* in full discharge thereof.

Sent up for Concurrence. [ 65 ]

An Account of Capt. *Penhallow*, for sundry Disbursements in the Service of this Province. Read & *Resolved*, That the Sum of *Eighteen Pounds fifteen shillings & eight pence* be allowed and paid out of the Publick Treasury to the Accomptant *John Penhallow*, in full discharge thereof. Sent up for Concurrence.

A Petition of *James Webster*, shewing, That in the Service of this Province Eastward, he received a Wound through his Body from the Indian Enemy, as he was going from Fort *George*, on board of Capt. *Sanders's* Sloop, by Order, by reason whereof the Petitioner has been at considerable Expence for Doctors Nursing, Attendance, &c. Praying for such Relief in the Premises, as to this Court shall seem meet. Read & Committed to the Committee for Petitions.

Col. *Chandler* from the Committee for Petitions Reported on the Petition of Capt. *Samuel Wright* and others, the Select-Men of the Town of *Rutland*, as Entred the 5th Currant. Which was Read & Accepted, and thereupon *Resolved*, That the Select-Men of the Town of *Rutland* shall be, and hereby are fully Authorized and Impowred to Assess and Tax the Proprietors of the Sixty Lots in the Inhabited part of said Town (the Ministry, Minister's, and School-Lots excepted) at *One Penny per Acre*, upon each Thirty Acre Home-Lot, and the Divisions thereof, amounting in the Whole to Three Hundred Acres each Lot and Division, and that the Tax be Appropriated for and towards Paying their Minister, the same to be continued Annually during the present Indian War; and that the Lands be subjected to the Payment thereof: And that the Sum of *Ten Pounds* set upon the said Town, as their Proportion to the Publick Tax for the Years 1723 & 1724, be remitted to the said Town; and that the said Town be freed from any further Province Tax till the further Order of this Court. Sent up for Concurrence.

A Petition of *Edward Child*, Administrator on the Estate of *Benjamin Child* late of *Roxbury* Deceased, shewing, That one *Ralph Parris* late a Servant of the said *Benjamin Child*, was a Soldier in the Service of this Province, and was unfortunately drowned with several others, and lost a Gun of *Thirty five shillings* Value, and had Subducted from his Wages *Twenty eight shillings* for the Charge of his Funeral. Praying, That the aforesaid Sums may be allowed him out of the Publick Treasury for the Reasons therein mentioned. Read & *Resolved*, That the Sum of *Three Pounds three shillings* be allowed and paid out of the Publick Treasury to the Petitioner *Edward Child*, for the Use of the Children of the said *Benjamin Child*.

Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls Reported on an Accompt of Capt. *John Ashley*, for Subsisting *Hendrick*, and sundry other *Maquois*, in their Journey from *Albany* to the Block-House above *Northfield*. Read & Accepted, and thereupon *Resolved*, That the Sum of *Eleven pounds five shillings & six pence*, be allowed and paid out of the Publick Treasury to Capt. *John Ashley* in full discharge of the said Accompt. Sent up for Concurrence.

A Petition of *John Veasey* of *Brantrey*, setting forth, That Pursuant to a Warrant from His Honour the Lieut. Governour for Apprehending Deserters, the Petitioner made diligent search, and found one *Francis Nedd* an Indian Deserter, and delivered him to the Honourable *Edmund Quincey*, Esq; who Committed him to the Common Goal in *Boston*: Praying, That the Sum of *Forty shillings* may be allowed him for the said Service, for the Reasons therein mentioned. Read and *Resolved*, That the Sum of *Forty shillings* be allowed and paid out of the Publick Treasury, to the Petitioner *John Veasey*, in con-

sideration of the Services mentioned in the Petition. Sent up for Concurrence.

*Resolved*, That the Sum of *Fifteen Pounds* be allowed and paid out of the Publick Treasury to *Hugh Pike* of *Newbury*, over and above the Stipend of *Five Pounds per Annum*, in Consideration of the Wounds he formerly received in the service of this Province. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a-Clock [66]

**Jobis Die 10. Decembris, A. D. 1724.**

**T**homas Palmer, Esq; brought down the following Vote of Council, viz. In Council, *December* 10th 1724. Ordered, That Mr. *Ebenezer Fales*, a principal Inhabitant of the Town of *Walpole*, be and hereby is directed and impowred to Notify and Summons the Inhabitants duly Qualified for Voters, to Assemble and meet together for the Chosing of Town Officers, to stand unto the next Annual Election according to Law. Sent down for Concurrence. Read & Concur'd.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of the Sloop *Merry-Meeting*, *Thomas Sanders* Master, as Entred the 9th. Which was Read & Accepted, and thereupon, *Resolved*, That the Sum of *Two hundred & forty pounds* be allowed and paid out of the Publick Treasury to Capt. *Thomas Sanders* to be by him paid to the several Persons to whom the same is due, in full discharge of the Wages and Sloop-hire thereof. Sent up for Concurrence.

A Petition of *James Tappan* of *Salisbury*, shewing, That this Court did allow a Stipend of *Five Pounds per Annum* to his Father, during his Natural Life; That his Father is lately Deceased, and according to the Time of the Payment of the said *Five Pounds*, there was *Fifty Shillings* due: Praying that the said Sum of *Fifty Shillings* may be paid to him as he is Executor to his Father's last Will & Testament. Read. And in Answer to this Petition, *Resolved*, That the Sum of *Fifty Shillings* be allowed and paid out of the Publick Treasury to the Petitioner *James Tappan*, Executor as aforesaid, and is in full. Sent up for Concurrence.

A Petition of *Sarah Leverett* and *Mary Denison* the Surviving Children of their Father the Reverend Mr. *John Leverett*, late of *Cambridge* Deceased, setting forth, That *whereas the Honourable John Leverett, Esq; late Governour of the Colony of the Massachusetts, in & by his last Will, did Give & Bequeath to his Son Hudson Leverett (the Petitioners Grand-father) and the Heirs of his Body Lawfully Begotten, or to be Begotten for ever, Two Eighth parts of his Estate, after the Decease of his Widow;* which Words the Petitioners (as they say,) are informed, carry the force of an Entail with them; praying that this Court will

take the Premises into their serious Consideration, and (if it may be) to take off the aforesaid Entail, that so the Petitioners may be enabled to Pay their Father's just Debts, otherwise his Estate must unavoidably be rendred Insolvent. Which was accompanied with an Answer thereto from *Knight Leverett*, Son of *Thomas Leverett*, which *Thomas* was Brother to the Petitioners Father. Pass'd in Council, viz. In Council, *Decemb. 9. 1724. Upon Consideration of the above Petition of the Children & Heirs of the Revd. Mr. President Leverett Deceased, and an Answer to the said Petition exhibited by Knight Leverett, Son of Thomas Leverett Deceased, Brother of the said President Leverett*: The Board judge it not proper for this Court to determine, whether the Estate mentioned in this Petition (and pray'd to be Sold) be an Entailed Estate or not; or what thereof the said *Knight Leverett* may be Entitled to; but these Matters must be determined in the Courts of Common Law, unless the Parties can agree among themselves; therefore Ordered, That this Petition be Dismissed.

Sent down for Concurrence.

Read & Concur'd.

A Petition of Capt. *Samuel Hincks*, Captain of His Majesty's Fort *Mary* at Winter-Harbour, praying, That His Wages may be advanced to *Four Pounds per Month*, for his Service, as in Command of the said Fort; and that he may have some further Allowance made him in consideration of the great Pains and Expence he was at, for Digging thro' a Rock, whereby he has found Water enough for the said Fort, for the Reasons in the Petition mentioned. Read. And in Answer to this Petition, *Resolved*, That from and after the time of Capt. *Samuel Hincks* making up his last Muster-Roll, there be allowed, and hereby is Established unto the said *Hincks* for his Service, and while he is continued in Command of the said Fort, at the Rate of *Four Pounds per Month* for his Wages, out of the Publick Treasury, until the further Order of this Court. Sent up for Concurrence. [ 67 ]

A Petition of the Reverend Mr. *Benjamin Doolittle* of *Northfield*, shewing, That by reason of the present Indian War, the Inhabitants there, are reduced to low Circumstances, and rendred in a great measure unable to make punctual Payments for his Support; and that his Auditory now consists of a considerable Number of the Soldiers: Praying the Consideration of this Court, for such Allowance to him as in their Goodness to them shall seem meet. Read. And in Answer to this Petition, *Resolved*, That in consideration of the Town of *Northfield* being reduced to low Circumstances by reason of the present Indian War, and a Number of Soldiers being Posted there for the Security and Defence of said Town, who are under the Ministry of the Petitioner, That the Sum of *Thirty Pounds* be allowed and paid out of the Publick Treasury, to the Reverend Mr. *Benjamin Doolittle*, for his better Support in the Ministry the Year Current. Sent up for Concurrence.



A Petition of *Peter Levally* and *Peter Potter*, praying they may be Entitled to such Bounty as this Court shall please to allow, for bringing in Two Indians, and delivering them up to this Government, as Entred the 15th of *November* past.

Read. And in Answer to this Petition, *Resolved*, That the Sum of *Twenty Pounds* be allowed and paid out of the Publick Treasury to Mr. *John Oulton*, to be by him paid to the said *Peter Levally* and *Peter Potter*, in equal Proportion, in consideration of the Services mentioned in the Petition. Sent up for Concurrence.

### Post Meridiem.

Mr. Secretary brought down a Bill Entitled, *An Act for Regulating & Levying Soldiers*. Pass'd in Council, *viz.* In Council, Read three several Days, and pass'd a Concurrence with the Amendments. Sent down for Concurrence.

Read. And the House Concur with an Amendment.  
Sent up for Concurrence.

A Bill Entitled, *An Act for Regulating Officers & Soldiers*. Pass'd in Council, *viz.* In Council, Read on Three several Days, and pass'd a Concurrence with the Amendments. Sent down for Concurrence. Read & Concur'd.

A Petition of *Nathaniel Thomas* of *Marshfield*, Esq; shewing, That agreeable to the Act of this Province for the Encouraging Linnen Manufactory, the Petitioner presented to the Justices of the Peace for the County of *Plymouth*, at their Session in *June* last, Two Pieces of Fine Linnen Cloth, as the said Act directs; and made Oath that they were made of Flax that grew, and that the said Linnen was Manufactured within this Province; which were Apprized, one Piece at *Four shillings and six pence per Yard*, and the other at *Four shillings & two pence per Yard*, each of which Pieces were Cut in two, and delivered back to the Petitioner; but the said Court did not see cause to Order a Certificate thereof to be granted to the Petitioner, because there was not Three Pieces of Cloth presented to the said Justices to Choose out of: Praying, That Mr. Treasurer *Allen* may be directed to pay him the Value of the said Two Pieces of Cloth, as Apprized by the Justices; or that the said Justices may be ordered to pay the Petitioner the Value of the same, Apprized as aforesaid, out of the County Treasury for the County of *Plymouth*. Read. And in Answer to this Petition, *Voted*, That it is the Opinion of this Court, That the Petitioner is entitled to the Premium in the Law for the Encouraging of the Linnen Manufactory; and that therefore the Justices of the County of *Plymouth*, be directed to give him a Certificate accordingly. Sent up for Concurrence.

A Petition of *Nathaniel Brewer* and *Nathaniel Glover*, Agents for the Proprietors of *Dorchester*, praying, That this Court would determine whether a

Resolve pass'd at their Session the 2d of *March* 1721. upon the Petition of *John Billings* and others, shall in any Case set aside, or be deemed above the known and Customary Acts and Laws relating to Proprietors Meetings, for the Reasons therein mentioned. Pass'd in Council, *viz.* In Council, *Decemb.* 5th & 10th Read, with the Answer of Col. *Spurr*, &c. And Ordered, That this Petition be Dismiss'd,

Sent down for Concurrence. Read & Concur'd. [ 68 ]

The Committee for Muster-Rolls acquainted the House, That Col. *Harman* informed them, that thro' Mistake, he had Entred *John Hubbard's* Name twice for the Sum of *l. 10 2 s. 10 d.* Therefore *Resolved*, That the said Sum of *Ten pounds two shillings and ten pence* be Subducted from the abovesaid Sum of *l. 1559 11 s. 2 d.* so much said to be due for Wages on the said Roll. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a-Clock

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**Veneris Die 11. Decembris, A. D. 1724.**

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**C**OL. *Chandler* from the Committee for Petitions, Reported, On the Accompt of Dr *George Pemberton*, as Entred the 2d Current. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Thirty seven pounds seven shillings & five pence* be allowed and paid out of the Publick Treasury to the Accomptant *George Pemberton*, in full discharge thereof. Sent up for Concurrence.

On the Accompt of *Edmund Mountfort* for sundry Disbursements to the Forces Eastward, Mending Whale-Boats, &c. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Eleven pounds seventeen shillings & six pence* be allowed and paid out of the Publick Treasury to the Accomptant *Edmund Mountfort*, in full discharge of the within Accompt. Sent up for Concurrence.

A Petition of the Inhabitants of the Town of *Hadley*, praying for Leave to Purchase a Tract of Province Land, nigh Mount *Holyoke*, as Entred the 14th of *June* 1723. and 17th of *June* 1724, and referred to this Session. Read. And Ordered, That *John Stoddard* and *John Ashley*, Esqrs; and Mr. *John Dickenson*, be a Committee to Repair to the Province Lands Petitioned for, and as set forth in the said Petition, that they take a Survey of the same, by a Skilful Surveyor under Oath, and return a Plat thereof, together with their Opinion of the Quality of it, to this Court at their Session in *May* next.

Sent up for Concurrence.

*Edmund Quincey*, Esq; brought down the Petition of *Sarah Crosby*, praying as Entred the 30th of *November*, pass'd in Council, *viz.* In Council *Decemb.*

11th 1724. Read & Ordered, That this Petition be Dismiss'd; the Petitioner having her Remedy in the Law. Sent down for Concurrence. Read & Concur'd.

A Memorial of *Nathaniel Oliver*, praying the House would Reconsider their Vote of the 26th of *November*, for Non-concurring a Vote of Council of the same Day on his Petition then prefer'd. Read. And the Question was put, *Whether the House would Reconsider the said Vote?* Resolved in the Affirmative. And Voted a Concurrence with the Council, with an Amendment, *viz. And that the Petition be Referred to the second Wednesday of the Session of this Court in May next; and that in the mean time, Execution be stayed for the Costs.*

Sent up for Concurrence.

A Petition of *Thomas Debuque* of *Boston*, shewing, That he Appealed from Two Judgments of the Inferiour Court of Common Pleas held at *Springfield*, in *August* 1724. in and for the County of *Hampshire*, both the Actions being brought against him by one *Samuel Bascom* of *Northampton*. And in Filing his Reasons of Appeal to the Superiour Court of Judicature held at *Springfield* in *September*, his Attorney in one of the Actions Misdirected the Reasons of Appeal, and Misrecited the Judgment Appealed from, in the other; and so the Reasons of Appeal in both Cases were Quashed, and the former Judgments Affirmed, &c. and the Petitioner is without Remedy in the Law, tho' he had good Reasons for his Appeal; and prays the Relief of this Court in the Premises. Pass'd in Council, *viz. In Council, Decemb. 11th 1724.* Read & Ordered, That the Petitioner serve the Adverse Party with a Copy of this Petition, that so he may give Answer thereto, if he see Cause, at the Session of this Court in *May* next: And that Execution on the Judgments referred to in the Petition be stayed in the mean time. Sent down for Concurrence.

Read & Concur'd, with the Amendment, *Between — Cause — and — at, add — on the second Wednesday.* Sent up for Concurrence. [ 69 ]

Col. *Chandler* from the Committee for Petitions, Reported, On the Accompt of Capt. *John Ashley*. Which was Read & Accepted, and thereupon Resolved, That the Sum of *Twenty eight pounds three shillings & five pence* be allowed and paid out of the Publick Treasury, to Capt. *John Ashley*, in full discharge of said Accompt.

Sent up for Concurrence.

On another Accompt of Disbursements, &c. of *Edmund Mountfort*, as Entred the 2d Currant. Which was Read & Accepted, and Resolved, That the Sum of *Twelve pounds ten shillings & eight pence* be allowed and paid out of the Publick Treasury to the Accomptant *Edmund Mountfort*, in full discharge thereof.

Sent up for Concurrence.

## Post Meridiem.

*Benjamin Lynde, Esq;* brought down the Report of the Committee of both Houses on the Petition of *William Jencks* of *Providence* in the Colony of *Rhode Island*, in behalf of himself and his Associates, as Entred the 9th Currant.

Which is as follows, viz.

*The Committee appointed to Consider & Report upon the Petition of William Jencks and his Associates, are of Opinion,*

THAT the Nine Hundred Acres of Land mentioned in the Petition should be Confirmed to the Petitioners by a Grant of this Court, and be Surveyed and Platted accordingly. *Provided*, That this Government, and those Claiming by or under them, be in no wise at any time hereafter, Defeated of, or Molested in their Right or Possession of the Mile of Land, (so called and described in the Petition,) which formerly was Agreed to be granted to the Colony of *Rhode-Island*, but lately Quit-claimed or Released by them to this Government, on Consideration of the Petitioners having the said Nine Hundred Acres confirmed to them by this Court. *Provided also*, That the Petitioners make Satisfaction to such Persons as may have Entred upon any part of the said Nine Hundred Acres, or any Buildings, Fences, or other Improvements by them made upon the Premises; the Value thereof to be Apprized by Three Persons, viz: The Surveyor to be appointed by this Court, and Two others to be Chosen by the Petitioners and the Occupants respectively. *And whereas it appears by a late Survey Ordered by this Court, That the Town of Mendon have Extended their Line of Township considerably beyond their Original Grant from this Court, and the Plat of the said Township is said to have been Burnt in the Town-House at Boston, for it cannot be found in the Publick Records of the Province; whereupon some Difficulties and Controversies might arise in and to the Prejudice of the Town of Mendon: For the quieting and preventing whereof, It is Proposed*, That the Southern Bounds of the said Township of *Mendon*, should Extend home to the Colony Line; saving the Property of the said Nine Hundred Acres as aforesaid to the Petitioners.

In the Name, and by Order of the Committee,

*Paul Dudley.*

In Council, *Decemb. 11th 1724.* Read & Ordered, That this Report be Accepted.

Sent down for Concurrence. Read & Concurr'd.

Col. *Chandler* from the Committee for Petitions, Reported, On the Petition of Capt. *William Ward* for himself and Company, being Thirty one in Number, issuing out on an Alarm at *Rutland*, in *August 1722.* by Order of Col. *Buckminster*, being Four Days out. Which was Read & Accepted, and thereupon Resolved, That the Sum of *Twelve pounds eight shillings* (being *Two shillings per Diem*, for



Man and Horse's Subsistence) be allowed and paid out of the Publick Treasury to Capt. *William Ward*, to be by him paid to the Persons to whom the same is due, in full discharge thereof.

Sent up for Concurrence.

On the Petition of Capt. *Ebenezer Learned* for himself and Company, issuing out upon an Alarm at *Rutland*, by Order of the Chief Officer of the Regiment, being Four Days out. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Eight pounds fourteen shillings* (being *Two shillings per Diem* for Man and Horse's Subsistence) be allowed and paid out of the Publick Treasury to Capt. *Ebenezer Learned*, to be by him paid to the Persons to whom the same is due, in full discharge thereof. Sent up for Concurrence. [ 70 ]

A Petition of *Anthony Baker*, a Sailor, on Board the Sloop *George, David Franklyn* Master, in the Service of this Province, shewing, That he received a Shot through his Right Breast, from the Indian Enemy, and was put ashore at *Casco Bay*, where he lay Sick Five Weeks of his Wound, That the Charge of Nursing, Victuals and Attendance amounts to 58 s. 6 d. And that Dr. *Ebenezer Allen* has Charged him *Five Pounds* more for his Cure, for which he is threatned to be Sued; praying, That the said Charge may be Paid out of the Publick Treasury, and that he may be relieved in the Premises, as to this Court in their Wisdom shall seem meet. Read. And in Answer to this Petition, *Resolved*, That the Sum of *Fifty eight shillings & six pence* be allowed and paid out of the Publick Treasury to the Petitioner *Anthony Baker*, in full for Nursing, Victuals, &c. And that he be, and hereby is freed and exempted from Paying the said Dr. *Allen's* Bill, or any part thereof; the said *Allen* being retained in the Pay and Service of this Province at the same time. Sent up for Concurrence.

An Engross'd Bill Entitled, *An Act for Regulating Officers & Soldiers.*

Read & *Resolved*, That the Bill pass to be Enacted.

An Engross'd Bill Entitled, An Act in addition to an Act Entitled, *An Act for the better Regulating the Ferry over Charles River, betwixt Boston & Charlstown.* Made in the Ninth Year of the Reign of the late Queen *ANNE*.

Read & *Resolved*, That the Bill pass to be Enacted.

An Accompt of Disbursements of Col. *Johnson Harman*, in the Service of this Province. Read & Committed to the Committee for Petitions.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

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**Sabbati Die 12. Decembris, A. D. 1724.**

**M**R. *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of the Company under the Command of Serj. *Allason Browne*. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Three hundred forty three pounds & eight pence* be allowed and paid out of the Publick

Treasury to the Officers & Soldiers born on the within Roll, to whom the same is due, in full discharge of the Wages thereof. Sent up for Concurrence.

On the Petition of *Jabez Bradbury* as Entred the 1st Currant. Which was Read and Accepted, and *Resolved*, That the Sum *Ten Pounds* be allowed and paid out of the Publick Treasury to the said *Jabez Bradbury*, in Satisfaction of the Services mentioned in the Petition. Sent up for Concurrence.

On the Muster-Roll of the Company under the Command of Capt. *Samuel Wheelwright*. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Four Hundred £ eighty two pounds and thirteen shillings* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is respectively due, in full discharge of the Wages thereof.

Sent up for Concurrence.

On the Petition of *Thomas Hogg* as Entred the 4th Currant. Which was Read and Accepted, and thereupon *Resolved*, That the Sum of *Four pounds & ten shillings* be allowed and paid out of the Publick Treasury to the Petitioner *Thomas Hogg*, in full for the Services in the Petition mentioned. Sent up for Concurrence.

On Accompt of Serj. *Joseph Clesson* and others, that Marched to *Otter Creek*, in Quest of the Indian Enemy in *June* last. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Thirty two pounds seventeen shillings & six pence* be allowed and paid out of the Publick Treasury to *Joseph Parsons*, Esq.; to be by him paid to the Persons within mentioned, to whom the same is respectively due, in full discharge thereof. Sent up for Concurrence. [ 71 ]

On an Accompt of *Ebenezer Parsons* of *Northampton*, for a Saddle lost beyond *Northfield* in the Service of this Province, Read & Accepted, and *Resolved*, That the Sum of *Forty shillings* be allowed and paid out of the Publick Treasury to *Ebenezer Parsons* in full Satisfaction of the Saddle within mentioned.

Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of Serj. *James Armstrong*, being the Company at the Block-House, at *St. George's River*.

Read & Committed to the Committee for Muster-Rolls.

An Accompt of sundry Disbursements in the Service of this Province of Col. *Thomas Westbrook*. Read & Committed to the Committee for Petitions.

*Resolved*, That the Committee that made the last Bills of Credit on this Province, be desired and directed to Print off and finish, as soon as may be, the Sum of *Twenty Thousand Pounds*, *Seventeen Thousand Pounds* part thereof, from the Plate of the Highest Denomination, and *Three Thousand Pounds* the remainder thereof, from the Plate of the Middle Denomination; and deliver the same when finished to the Treasurer of this Province, taking his Receipt

for them: The said Committee to be paid for their Service, as for the Bills last made: And the Bills are to lodge in Mr. Treasurer's Hands till the Order of this Court for their being issued out.

Sent up for Concurrence.

A Message from the Board by *Melatih Bourne*, Esq; that the Board had Non-concurr'd the Bill respecting Hog-Reeves.

A Petition of *John Menzeis*, Esq; and *Katherine* his Wife, formerly *Katherine Lake*, shewing, That before the Inter-Marriage of the said *John Menzeis* with the said *Katherine*, he enter'd into Marriage Articles, whereby he was no ways to intermeddle with the said *Katherine's* Estate, during the said Coverture. That the said *Katherine* Reposing special Trust and Confidence in her Kinsman *Edward Stanbridge*, Painter Stainer, was prevailed upon to give up some Bonds for considerable Sums of Money, partly in the Petitioners Names, joyntly and partly in her own Name, and to take New Bonds for what remained unpaid thereof, in the Name of the said *Stanbridge*; and also to Purchase Mortgages in his own Name, &c. That after the said Bonds and Securities were so Altered and taken, the said *Stanbridge* suggesting to the Petitioner *Katherine*, that it was not safe for her to keep the Obligations in her own Custody, but more proper for him, in whose Name they were made; and she in no ways doubting or mistrusting the Honesty or Integrity of the said *Stanbridge*, relyed and gave Credit to him, and delivered up the Bonds, &c. accordingly: And that the said *Stanbridge* now utterly denies his being Possess'd of any such Bonds in Trust, or that he is accountable for them, or any part thereof. Praying that this Court would please to take the Premises into their serious Consideration, and afford them such Relief as is agreeable to the Rules of Equity, Justice and good Conscience. Pass'd in Council, *viz.* In Council, *Decemb.* 11th 1724. Read. And the Board judging that the Matters set forth and contained in this Petition, are Cognizable in the Courts of Common Law; and that the Petitioners ought there to apply themselves for Remedy, if they desire to be Relieved. Ordered, That this Petition be Dismiss'd. Sent down for Concurrence.

Read & Concur'd.

*Jonathan Dowse*, Esq; brought down a Petition of *Timothy Sprague* of *Malden*, shewing, That *whereas this Court in their present Session were pleased to give him Liberty to File Reasons of Appeal from the Judgment of Justice Flagg to the Court of General Sessions of the Peace, to be Held at Charlstown for the County of Middlesex, on the Second Tuesday of December Currant, his former Reasons being quashed: And the Petitioner was Ordered to give timely Notice to Benjamin Gesy and others the Adverse Parties, by leaving an Attested Copy of the Order at their Houses, which the Petitioner failed in by reason His Honour the Lieutenant Governour had not given his Consent thereto; so that the Petitioner is still without Remedy in the Law, unless relieved by this Court:* Praying, That he may be enabled to

File his Reasons, and have a Tryal at the next Court of General Sessions of the Peace, to be holden in the said [ 72 ] County of *Middlesex*. Pass'd in Council, *viz.* In Council, *Decemb.* 11th 1724. Read & Ordered, That the prayer of this Petition be granted; and that the Petitioner be admitted to a Tryal accordingly: Any Law, Usage or Custom to the contrary notwithstanding. Sent down for Concurrence.

Read & Concur'd.

Then the House Adjourned till Monday next Three a-Clock Afternoon.

*Lunæ Die 14. Decembris, A. D. 1724.*

**P***aul Dudley*, Esq; brought down the following Vote of Council, *viz.* In Council, *December* 12th 1724. The following Question was put upon the Act in addition to the Act for Regulating Fences, Cattle, &c.

*Whether it be the Duty, and in the Power of the Fence-Viewers, being requested by any Person Interested, to set up or Repair any Fence fallen down, or otherwise Defective, other than about Common or General Fields?*

Resolved in the Affirmative. Sent down for Concurrence.

Read & Concur'd.

And a Translation of a Letter from Monsieur *Veaudreuil*, Governour of *Canada*, to His Honour the Lieut. Governour, Dated, *Quebec, Octob.* 29th 1724.

Read.

An Engross'd Bill Entitled, *An Act for the more easy Levyying & Regulating Soldiers.* Read and Resolved, That the Bill pass to be Enacted.

Col. *Chandler* from the Committee for Petitions, Reported, On an Accompt of *David Melvil*, for keeping one *Maurice Fitz Gerald* and *John Bly* Prisoners in His Majesty's Goal in *Boston, Anno* 1723. The Committee are humbly of Opinion, That the Articles Charged in this Accompt, are not a proper Debt of the Province, that therefore it be Dismiss'd. Read & Accepted, and Voted, That this Accompt be Dismiss'd.

On an Accompt of *David Melvil*, for Keeping *Will* a Negro, and *Diego* a Negro, and others, in His Majesty's Goal in *Boston, Anno* 1723 The Committee are humbly of Opinion, That the Articles of Charge contained in this Accompt, are not a proper Debt from the Province, that therefore it be Dismiss'd. Read & Accepted, and Voted, That this Accompt be Dismiss'd.

On an Accompt of *David Melvil*, for Dieting Twelve Indian Captives, &c. from the 10th of *June*, to the 28th of *November* 1724. Which was Read & Accepted, and thereupon Resolved, That the Sum of *Seventy six pounds two shillings* be allowed and paid out of the Publick Treasury to the Accomptant *David Melvil*, in full discharge of the said Accompt. Sent up for Concurrence.



On an Account of *David Melvil*, for keeping *Christian*, and his Son, and *Isaac*, Three *Maquois*, as by the same particularly appears. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Twenty nine pounds nine shillings & three pence* be allowed and paid out of the Publick Treasury to the Accomptant *David Melvil*, in full discharge thereof. Sent up for Concurrence.

On the Account of *Samuel Tyley*, as Entred the 9th. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Twelve pounds six shillings & six pence* be allowed and paid out of the Publick Treasury to the Accomptant *Samuel Tyley*, in full discharge thereof. Sent up for Concurrence.

On the Account of *Sarah Ayers*, as Entred the 4th. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Four pounds three shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Sarah Ayers*, in full discharge thereof. Sent up for Concurrence. [ 73 ]

An Account of *Samuel Mears* for coming Express from *Springfield* to His Honour the Lieut. Governour, and for the Hire of a Horse, and Expence for *Henry Edgar* a Captive lately returned from *Canada*, with Letters from Monsieur *Veaudreuil*.

Read & *Resolved*, That the Sum of *Five Pounds* be allowed and paid out of the Publick Treasury, to the Accomptant *Samuel Mears*, in full discharge of said Account, and for carrying the Horse for *Edgar* back again.

Sent up for Concurrence.

A Memorial of the Trustees for Mr. *Hopkins's* Legacy, praying, That Mr. *Savil Simpson* and *John Jones*, with their Lands and Families; and also the Land of Mr. *Anthony Blount*, may be set off from *Framingham*, and returned to *Hopkinton*; and deemed Inhabitants of the said Town of *Hopkinton*, for the Reasons therein mentioned. Pass'd in Council, viz. In Council, *Decemb. 11th 1724*. Read & Ordered, That the prayer of this Petition be granted.

Sent down for Concurrence.

Read & Concur'd, with the Amendment, viz. *That the said Savil Simpson & John Jones, & Anthony Blount for his Land, Pay their proportionable parts of the Rates & Taxes, which have been Charged on them by the Town of Framingham.*

Sent up for Concurrence.

An Account of Lieut. *Thomas Gilbert* for sundry Expresses from *Brookfield* to *Hatfield*, in the Service of this Province. Certified by Justice *Jennings*. Read & *Resolved*, That the Sum of *Thirty four shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Nathaniel Gilbert*, in full discharge of the said Expresses and Account. Sent up for Concurrence.

The Committee of both Houses appointed to Confer with the Commissioners of the Government of *Rhode-Island*, upon the Subject of their furnishing a Number of Men to Joyn with our Forces in Prosecuting the War against the

Indian Enemy, made Report of their Doings thereon. Pass'd in Council, *viz.* In Council, *Decemb.* 14th 1724. Read & Ordered, That this Report be Accepted; and that the Committee of this Court be desired to deliver a Copy thereof to the Commissioners from the Government of *Rhode-Island*. Sent down for Concurrence. Read & Concur'd.

*Ordered*, That Col. *Chandler*, Maj. *Fullam*, and Mr. *Remington*, be a Committee to Project and prepare some proper Vote, whereby to Oblige Capt. *Adijah Dewey* to Remit into the Publick Treasury the Sum of *Sixty Pounds*, so much he received upon his Roll, pass'd this House the 11th of *December* 1723. for himself and a number of *Westfield* Men, who were born on the said Roll for a Fortnight, when they were at their respective Homes, and not in the Service of the Province: And make Report thereof.

*Voted*, That Mr. *Lewis* go up with a Message to the Honourable Board, to Enquire if they have Passed on the Vote respecting sending some suitable Person or Persons to *Canada*; it being a Matter of great Importance to this Province; and that if the Board have not as yet, the House desire they would speedily pass on it.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

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**Martis Die 15. Decembris, A. D. 1724.**

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**M**R. *Lewis* from the Committee for Muster-Rolls, Reported, On the Account of Col. *Chandler* for sundry Expresses in the Service of this Province, and Subsistence Advanced to some of the Forces in the Service of the Province. Which was Read and Accepted, and thereupon, *Resolved*, That the Sum of *Four pounds eleven shillings & three pence*, be allowed and paid out of the Publick Treasury to Col. *John Chandler*, to be by him paid to the Persons to whom the same is due, agreeable to the said Report. Sent up for Concurrence.

On the Muster-Roll of the Company at the Block-House at *St. George's* River, under the Command of Lieut. *James Armstrong*, as Entred the 12th. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Two hundred & twenty five pounds two shillings & three pence*, be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll in full discharge thereof.

Sent up for Concurrence. [ 74 ]

An Account of Mr. Sheriff *Winslow* for sundry Disbursements and Expresses, &c. in the Service of this Government. Read and Committed to the Committee for Petitions.

A Petition of Capt. *William Chandler*, praying, That he and his Lieutenant *Thomas Buckminster* may be Entitled to, and allowed to Receive their respective

Wages, as by Law Established, for a Captain and Lieutenant; the Vote of the House on his Muster-Roll, pass'd this Session on the Report of the Committee for Muster-Rolls notwithstanding; for the Reasons mentioned in the Petition. Read and *Resolved*, That the prayer of the Petition be granted: And that the Treasurer be and hereby is directed to Pay and allow Captain's Pay to the said *William Chandler*, and Lieutenant's Pay to the said *Thomas Buckminster*, the Vote on the said Muster-Roll notwithstanding. Sent up for Concurrence.

*Voted*, That a Message be sent up to the Honourable Board, to Enquire if they have Pass'd on the Vote of the 9th Currant, about sending to *Canada*, and giving Instructions to the Person or Persons to be sent.

A Message from the Board by *John Otis*, Esq; That the Board desire to know what the House have passed on the Bill sent down from the Board, for Repealing an Act lately made in addition to the Act for *Admission of Town Inhabitants*. That the Board had Non-concur'd the Bill sent up from the House, respecting the Repealing the said Act. Mr. Speaker informed him the Bill had had one Reading.

*Ordered*, That the Representatives of the Town of *Boston* go up with a Message to the Honourable Board to acquaint them, That the Bill sent up by the House, as the same stands, Repeals the aforesaid Act, as several Merchants, and Masters of Ships Petitioned this Court for; and that the same is Projected to hinder the Country's being fill'd by the Importation of Beggars and Vagabonds; and therefore the House desire the Honourable Board would reconsider their Vote on said Bill.

A Petition of *Jonathan Carey* of *Boston*, Shipwright, shewing, That he Erected a House in *Kennebeck* River; but by reason of the present Indian War, he was obliged to Quit his Habitation; That by Order of Col. *Thomas Westbrook* the Soldiers pulled down the said House, in order to make use of the Boards of it, to Mend the Whale-Boats in the Service of the Province; praying, That he may have Satisfaction for the same. Read & Committed to the Committee for Petitions.

Monsieur *Veaudreuil's* Letter Read again, and sent up.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported on a general Accompt of Ferrage, Expresses, Meals, Scouting &c. in the County of *Hampshire*, viz. The Committee having Examined the foregoing Accompt, and Vouchers produced to Support the same, find them so Imperfect and uncertain, as to the Time of the Service said to be done, and other Circumstances thereof, that they cannot think it proper for this Court to allow thereof, saving those Two Articles, No. 2. and No. 9. which we think proper, and have allowed on the Two Accompts thereof; and are therefore of opinion, That this Accompt be Dismiss'd. Read & Accepted, and *Voted*, That the said Accompt be Dismissed accordingly.

## Post Meridiem.

*Ordered*, That Maj. *Fullam* and Mr. *Bryant* go up with a Message to the Honourable Board, to enquire if they have passed on the Vote for Choosing some suitable Person or Persons to go to *Canada*, and appointing a Committee to draw Instructions to be given them, it being a matter of very great Consequence to this Province; that if they have not, the House desire they would speedily pass thereon. And also to Enquire whether the Board have pass'd on the Muster-Roll of Capt. *Chandler*; and if they have not, the House desire it may be sent down. [ 75 ]

A Message from the Board by *Penn Townsend*, Esq; That the Board had Non-concurr'd the Vote of the House on the Muster-Roll of Capt. *William Chandler*. Who also brought down the Vote of the 9th Instant, about sending to *Canada*. Pass'd in Council, *viz.* In Council, *Decemb.* 15th 1724. Read & Concur'd with the Amendment, *viz. dele — Resolved*, That this Court will, — and add — *Voted*, That His Honour the Lieutenant Governour be desired to —. And that Col. *Tailer*, Col. *Fitch*, and Col. *Thaxter*, be joyned in the Affair above.

Sent down for Concurrence. Read & Concurr'd.

A Journal of Monsieur *Rallee* taken at *Norridgewock*. Read.

*Edward Bromfield*, Esq; brought down the Accompt of Col. *John Appleton*, for Subsistence, &c. as Entred the 9th, with the Vote of the House thereon. Pass'd in Council, *viz.* In Council, *Decemb.* 12th 1724. Read & Concur'd with the Amendment. *viz. Provided the Captain Charges subsistence for the same time.*

Sent down for Concurrence. Read & Concur'd.

*Melatihah Bourn*, Esq; brought down a Petition of *Rebecca Abbott*, Relict Widow and Administratrix of the Goods and Chattels of *William Abbott*, late of *Roxbury* Deceased, shewing, That one *William Gary* Anno 1705, Settled an Estate in Lands & Chattels on the said *William Abbott*, with Covenants for Maintaining of himself and Wife for Life out of the same; and several Legacies to be paid out of it: That the Petitioner has Disbursed *l.* 228 4 s. for the Maintenance of Mrs. *Gary* and her Family: Praying, That she may be enabled to make Sale of so much of the Estate of Mr. *Abbott* as will Answer the past Charges and Costs; as also for the Maintenance of the Children, and the said Mrs. *Gary*; for the Reasons therein mentioned. Pass'd in Council, *viz.* In Council, *Decemb.* 15th 1724. Read & Ordered, That the prayer of the Petition be so far granted, That the Justices of the Superiour Court of Judicature, be and are Authorized and Directed to empower the Petitioner to Sell so much of the Lands, which belonged to *William Abbott* Deceased, as may in their Opinion be necessary to Answer the Request of this Petition. Sent down for Concurrence.

Read & Concur'd.



A Petition of *Samuel Harnden*, praying he may be allowed to receive Two Months Pay, which was stop'd and detained from him in Capt. *Heath's* Muster-Roll, for the Reasons mentioned in the Petition Read. And the Question was put, *Whether the prayer of the Petition shall be granted?* It pass'd in the Negative.

A Petition of *Henry Edgar*, lately returned from Captivity from *Canada*, praying he may be reimbursed *Fifteen Pounds* for so much Extra Charge he was put to for tarrying for Monsieur *Veaudreuil's* Letter to His Honour the Lieutenant Governour; and such other Relief for his Misfortunes by Reason of his Captivity, as to this Court shall seem meet. Read & Committed to the Committee for Petitions.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

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*Mercurij Die 16. Decembris, A. D. 1724.*

**A**N Accompt of *Calvin Galpine* in behalf of the Town of *Boston*, for Nursing Subsisting, Watching, &c. on two Indians one of whom dyed in the Alms-House. Read & Resolved, That the Sum of *Four pounds nineteen shillings* be allowed and paid out of the Publick Treasury to the said *Calvin Galpine*, for the Use of the Town of *Boston*. Sent up for Concurrence.

Col. *Chandler* from the Committee for Petitions, Reported, On the Petition of *John Hayes* Master of the Light House, as Entred the 27th of *November*. Which was Read & Accepted, and thereupon Resolved, That the Sum of *Fifteen Pounds* over and above the Established Salary, be allowed and paid out of the Publick Treasury to the Petitioner for the Year Currant, in consideration of the Extraordinary Services, &c. in the Petition mentioned. Sent up for Concurrence. [ 76 ]

On the Petition of Dr. *William Douglas* for himself and his Associates, as Entred the 9th. Which was Read & Accepted, and thereupon Resolved, That Capt. *William Ward* Surveyor, with Two Chain-men under Oath attend the Petitioner, and take an Accurate Survey of the Tract of Land mentioned in this Petition; and Report their Doings to this Court at their Session in *May* next. The Charge whereof to be defrayed as this Court shall Order. Sent up for Concurrence.

On the Accompt of Dr. *William Davis* as Entred the 2d Instant. Which was Read and Accepted, and thereupon Resolved, That the Sum of *Twenty two pounds twelve shillings* be allowed and paid out of the Publick Treasury, to the Accomptant Dr. *William Davis*, in full discharge thereof. Sent up for Concurrence.

On Accompt of Mr. Sheriff *Winslow*, as Entred Yesterday. Which Report being Read, was not Accepted, but Resolved, That the Sum of *Twelve pounds*

*fourteen shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Edward Winslow*, Esq; in full discharge of the said Accompt. Sent up for Concurrence.

On an Accompt of *David Melvil*, for Keeping Two Pirates, amounting to *l. 15 16 s. 4 d.* Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Three pounds two shillings & four pence*, be allowed and paid out of the Publick Treasury to *David Melvil* in consideration of his Keeping *John Rose Archer*, and *William White*, and Expences on the Guards, at and before their Execution. That the other Articles of Charge for the Pirates now in Goal, be referred to the *May* Session for further Consideration, when His Majesty's Pleasure may be known concerning them.

Sent up for Concurrence.

On the Petition of *John Harris* of *Wethersfield*, as Entred the 5th Currant, The Committee are of Opinion, That the Consideration of this Petition be referred to the Session of this Court in *May* next, the Petitioner not appearing here. Read & Accepted, and *Voted*, That this Petition be referred to the *May* Session, for further Consideration, the Petitioner not appearing at the Court.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On an Accompt of *Amos Dennis*, and *Henry Tewkesbury* of *Marblehead*, Certifying the Damages done Two Schooners belonging to *John Bartell* and *David Parker*, being in the Service of this Province; as Certified by Mr. Treasurer. Which was Read & Accepted, and *Resolved*, That the Sum of *Seven pounds fifteen shillings* be allowed and paid out of the Publick Treasury to Mr. *John Oulton*, to be by him paid to the respective Persons to whom the same is due, according to the Valuation within mentioned.

Sent up for Concurrence.

On an Accompt of *Paul Wentworth* of *Kittery*, for Subsisting and Lodging Sixteen Soldiers sent as a Guard to the Honourable the Justices of His Majesty's Superiour Court in *May* last, in their Journey to *York*. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Twenty three shillings & four pence* be allowed and paid out of the Publick Treasury to the Accomptant *Paul Wentworth*, in full discharge thereof. Sent up for Concurrence.

*Ordered*, That Col. *Tyng*, Col. *Paine*, Mr. *Bridges*, Mr. *Prescot*, Mr. *Hoite*, Mr. *Nash*, Mr. *Bourne* and Capt. *Wells* go up with a Message to desire the Board would Expedite what Business lyes before them: That there is nothing Material lying on the Table: That His Honour be desired to let the Court Rise to Morrow.

A Message from the Board by *John Otis*, Esq; That the Board desire the Committee of both Houses on the *Canada* Affair, may immediately Sit in Order for the Court's Rising to Morrow.

**Post Meridiem.**

*Daniel Oliver*, Esq; brought down the Bill Entitled, *An Act for Explanation of, and in Supplement to, an Act Entitled, An Act for High Ways*. Made in the Fifth Year of the Reign of King *W I L L I A M* and Queen *M A R Y*. Pass'd in Council, *viz.* In Council, *Decemb.* 9th & 16th. Read Three several Times, and pass'd a Concurrence with the Amendments, as in the Draught. Sent down for Concurrence.

Read & Concur'd. [ 77 ]

A Bill Entitled, *An Act for the better Regulating the Admission of Town Inhabitants within the Province of the Massachusetts-Bay*. Pass'd a Concurrence in Council, with the Amendments. Sent down for Concurrence. Read & Concur'd.

The petition of *Dr. William Douglass* and his Associates, sent up this Morning, with the Vote of the House thereon. Pass'd in Council, *viz.* In Council, *Decemb.* 16th 1724. Read & Concur'd with the Amendment, *viz. dele* — as this Court shall Order, — *and add* — by the Petitioners, if the Land be found to contain the full Quantity for which it was Sold; and if it fall short, to be born by the Province, that for what may be wanting they shall be Repaid in Money, in Proportion to their Purchase; and on the other hand, they to Pay for the Overplus if any there be, at the same Rate. Sent down for Concurrence.

Read & Concur'd.

*Mr. Lewis* from the Committee for Muster-Rolls, Reported on an Accompt of Billeting *Connecticut* Soldiers, Scouting, Expresses, &c. in the County of *Hampshire*, Amounting to *l. 42l 19 s. 10 d.* Which was Read & Accepted, and thereupon Resolved, That the Sum of *Three hundred seventy eight pounds five shillings & three pence* be allowed and paid out of the Publick Treasury to Capt. *Thomas Wells*, to be by him repaid to the Person or Persons to whom the same is respectively due, in full discharge of the within Accompt, in the several Articles thereof, agreeable to the above Report. Sent up for Concurrence.

*Edward Bromfield*, Esq; brought down the Vote about Snow-shoes, as Entred the 8th Currant. Pass'd in Council, *viz.* In Council, *Decemb.* 16th 1724. Read & Concur'd, with the Amendments, *viz. A. After the words* — in the Use thereof — *add*, — the said Officer to be paid out of the Treasury of the respective Towns, at the Rate of *Five Shillings per Day*, for his said Service. *B. dele the words* — or upon the — *between the words* — Province — *and* — Discovery, — *and add* — on Advice or —. Sent down for Concurrence. Read. And the House Non-curr the Amendment A. The Amendment B. Concur'd.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a.Clock

Jobis Die 17. Decembris, A. D. 1724.

**M**R. *Lewis* from the Committee for Muster-Rolls, Reported, On a Muster-Roll under the Command of several Serjeants in the Service of this Province, in the County of *Hampshire*, taken the 24th of *Novemb.* 1723. and signed by Col. *Partrigg*, as Entred the 11th of *June* past. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *One hundred £ sixty two pounds four shillings & six pence*, be allowed and paid out of the Publick Treasury to Capt. *Thomas Wells* to be by him repaid to the Person or Persons to whom the same is due, in full discharge of the Wages thereof. And that the further Sum of *Ninety pounds twelve shillings and ten pence* be allowed and paid out of the Publick Treasury, to the said Capt. *Thomas Wells*, to be by him repaid to the Person or Persons to whom the same is respectively due for Subsisting the said Men, agreeable to the above Report and in full discharge thereof.

Sent up for Concurrence.

On an Accompt of Disbursements of Col. *Johnson Harman*, and of some Guns lost in the Service of the Province, as particularly therein set forth. Which was Read and Accepted, and thereupon *Resolved*, That the Sum of *Seven pounds* be allowed and paid out of the Publick Treasury to Col. *Johnson Harman* in full of his Disbursements above-mentioned. And that *John Carlisle* be discharged from the Payment of a Province Gun by him Lost. And that the Sum of *Five pounds* be allowed and paid out of the Publick Treasury in Moietys to *Thomas Cook* and *Solomon Steward*, for the Loss of their Guns as within mentioned.

Sent up for Concurrence. [ 78 ]

On an Accompt of *Joshua Levatt* of *Suffield*, Innholder, for Subsisting *Connecticut* Soldiers in the Service of this Province in the County of *Hampshire*, in *September* and *October* last. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Six pounds eleven shillings & seven pence* be allowed and paid out of the Publick Treasury to Mr. *Kent*, to be by him paid to the said *Joshua Levatt*, in full discharge of the said Accompt. Sent up for Concurrence.

Col. *Chandler* from the Committee for Petitions, Reported, On an Accompt and Petition of *Sylvanus Lakeman* of *Ipswich*, as Entred the 26th of *November* past; as also an Accompt of *John Wainwright*, Esq; for Fiting and Equipping two Vessels with Warlike Stores and Provisions for a Cruize after the Indian Enemy, Eastward, pursuant to an Order from His Honour the Lieut. Governour in *July* last. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Sixty five pounds fourteen shillings* be allowed and paid out of the Publick Treasury to *John Wainwright*, Esq; to be by him repaid to whom the same is due, in full discharge thereof. Sent up for Concurrence.



An Accompt of Mr. *Benjamin Eliot*, for Paper, Ink, Quills, and a Book for Records. &c. by Order, and for the Service of this Court, amounting to *l. 19 10 s. 4 d.* Read & Resolved, That the Sum of *Nineteen pounds ten shillings & four pence* be allowed and paid out of the Publick Treasury to Mr. *Benjamin Eliot* in full discharge of said Accompt. Sent up for Concurrence.

An Accompt signed *Thomas Wells* for the Charge of Burying sundry Soldiers, Slain in the Service of this Province in the County of *Hampshire*, &c. Read & Resolved, That the Sum of *Seven pounds nine shillings & six pence* be allowed and paid out of the Publick Treasury to Capt. *Thomas Wells*, to be by him paid to the Persons to whom the same is due, in full discharge thereof.

Sent up for Concurrence.

A Petition of Mr. *John Nash*, Representative of the Town of *Hadley*, praying that Pay & Subsistence for Six Men may be allowed & paid out of the Publick Treasury to the said Town, upon their being obliged to perform a Scout, and for other Reasons therein mentioned. Read. And the Question was put *Whether the prayer of the Petition shall be granted?* It pass'd in the Negative.

### Post Meridiem.

Ordered, That Col. *Bond*, Capt. *Ashley*, Mr. *Browne*, Col. *Spurr*, and Mr. *Whittemore* go up with a Message to the Honourable Board, to Enquire if they have pass'd on the Report of the Committee of both Houses for preparing Instructions to be given to the Persons to be Chosen by the Court to be sent to *Canada*; and to desire they would Expedite the Business before them, that the Court may Rise this Night if possible.

A Petition of *Samuel Bascom* of *Northampton*, setting forth, That *whereas there have been Mutual Actions arisen between him and Thomas Debuke of Boston; and each Party has proceeded to Execution; and this Court have been pleased to stop the Execution of the Petitioner till the Session of this Court in May next:* Praying, That the said *Debuke's* Execution against him may be stop'd also till the Session of this Court in *May* next, for the Reasons therein mentioned. Pass'd in Council, viz. In Council, *Decemb. 16th 1724.* Read & Ordered, That the prayer of this Petition be granted.

Sent down for Concurrence. Read & Concur'd.

*Whereas the Revd. Mr. John Eveleth of Arundel, has Preached the Gospel at the Towns of Arundel & Biddeford, and to the Forces there, by Order of this Court; and has had some Allowance for said Service; and no Allowance having been made him for Subsistence whereby to enable him to perform that good Design:* Resolved That Subsistence be allowed out of the Publick Treasury from the 11th Day of *January* last to this Time; and that the Treasurer be impowred and directed to allow the same out of the Persons Accompt, that he has Substituted to deliver

out Stores and Subsistence to the Forces there. Sent up for Concurrence. [ 79 ]

An Accompt of Col. *Eleazer Tyng* for sundry Expresses, and bringing down some *Maquois* from *Dunstable* to *Boston*, by Order of His Honour the Lieutenant Governour, amounting to *l. 3 19 s.* Read & Resolved, That the Sum of *Three pounds nineteen shillings* be allowed and paid out of the Publick Treasury to Col. *Eleazer Tyng*, in full discharge of the said Accompt. Sent up for Concurrence.

A Petition of Lieut. *John Larrabee*, Victualler of His Majesty's Garrison at Castle *William*, praying, That the Establishment of this Court for Victualling the said Garrison may be Advanced, for the Reasons therein mentioned.

Read & Referred to the next *May* Session for further Consideration.

A Petition of Capt. *Richard Bourne*, praying for some Allowance for his going in Pursuit of some Deserters, from his Majesty's Service Eastward, in the Year 1722. Which he did by Order of Governour *Shute*. Read & Resolved, That the Sum of *Forty shillings* be allowed and paid out of the Publick Treasury to the Petitioner *Richard Bourne*, in full for the Services mentioned in the Petition.

Sent up for Concurrence.

A Petition of *Thomas Cobb*, praying some Allowance for his being employed by Col. *Westbrook*, as Field Marshall to the Forces Eastward.

Read & Dismiss'd.

A Petition of *Adam Tuck* of *Boston*, praying for some Allowance for a Mare of his Impressed into His Majesty's Service, which as the Petitioner says, was very much abused and over-rod. Read & Dismiss'd.

A Petition of the Select-Men of the Town of *Leicester*, shewing, That by reason of the Indian War, they are reduced to low & Indigent Circumstances; praying, That their Proportion of the Province Tax for this present Year, may be remitted, for the Reasons therein mentioned. Read. And in Answer to this Petition, Resolved, That the Sum of *Seven pounds*, being half of the Province Tax of the Town of *Leicester* for the present Year, be Remitted, for the Reasons mentioned in the Petition.

Sent up for Concurrence.

A Committee from the Overseers of *Harvard-College* were admitted into the House, and presented a Vote of the said Overseers respecting the Salary for a President of the said College. Which the Committee were heard on to Urge and Inforce the same; and then withdrew.

The said Vote is as follows,

*At an Overseers Meeting, at the Council Chamber in Boston, Decemb. 17th 1724.* The Answer of the Reverend Mr. *Colman* to the Honourable and Reverend Overseers referring to his having been Chosen to be President of *Harvard College*, and also approved; was Read. *It was then Voted*, That the same Com-

mittee of this Board, Chosen *Novemb.* 24th last past, to wait on the General Court, with reference to the President's Salary, do now again wait on said Honourable General Court, with Mr. *Colman's* Answer, and with this Vote; Praying, That the Matter of a Salary for a President, may be Considered by them, and so acted upon as may be most for the speedy Settlement of a President in the said College, and therein for the Good of the whole Province. Voted, That the Honourable Col. *Byfield* and the Reverend Mr. *Wadsworth*, be added to the Committee.

A True Copy,

*Benjamin Wadsworth,*

Clerk of the Overseers *pro Tempore.*

Which was accompanied with Mr. *Colman's* Answer.

Read.

Then the House Adjourned till to Morrow Morning Ten a-Clock [ 80 ]

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**Veneris Die 18. Decembris, A. D. 1724.**

**V**oted, That Mr. *Lewis*, Mr. *Thomas Cushing*, and Mr. *Foster*, go up with a Message to the Honourable Board, to Enquire if they have Passed on the Vote of the House sent up the 3d Currant, respecting the Salary of a President of *Harvard College*. And also to Enquire whether they have Pass'd on the Report of a Committee of both Houses, appointed to draw Instructions to the Gentlemen to be sent to *Canada*.

*This being the Year for the House to Choose a Minister to Preach the Election Sermon to this Court in May next,* The House proceeded to bring in their Written Votes for a Minister for that Service; and it appeared upon Collecting the same, that the Reverend Mr. *Ebenezer Thayer*, Minister of the Western Parish in *Roxbury*, was Chosen by a major part of the Votes. Voted, That Mr. Speaker be desired, in the Name of the House, to wait upon the said Reverend Mr. *Thayer*, and acquaint him of the Vote of the House; and to desire his Compliance with their Request in the said Choice.

A Message from the Board by *Penn Townsend*, Esq; That the Vote of the House of the 3d Currant, respecting a Salary for a President for *Harvard-College*, was Non-concur'd. And that the Vote about sending to *Canada*, His Honour said, was now under Consideration.

Voted, That Capt. *Ebenezer Pomroy* be added to the Committee appointed to Settle Two New Towns at *Housatonnick*, in the Room of *Samuel Porter*, Esq; Deceased.

Sent up for Concurrence.

Col. *Chandler* from the Committee for Petitions, Reported, On the Petition of *Henry Edgar*, a Captive, lately returned from *Canada*, as Entred the 13th

Currant. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Fifteen pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Henry Edgar*, in consideration of the Charge he was at in bringing Monsieur *Veaudreuil's* Letter to his Honour the Lieutenant Governour. Sent up for Concurrence.

On an Accompt of Disbursements of Col. *Johnson Harman*, as Entred the 11th. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *Twelve pounds* be allowed and paid out of the Publick Treasury to the Accomptant Col. *Johnson Harman*, in full discharge thereof. Sent up for Concurrence.

On a Petition of *Jonathan Carey*, as Entred the 15th. Which was Read and Accepted, and thereupon, *Resolved*, That the Sum of *Six Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Jonathan Carey*, in full discharge thereof. Sent up for Concurrence.

On an Accompt of Disbursements of Col. *Thomas Westbrook*, in the Service of the Province, as Entred the 12th. Which was Read and Accepted, and *Resolved*, That the Sum of *Thirty two pounds sixteen shillings & three pence* be allowed and paid out of the Publick Treasury to the Accomptant Col. *Thomas Westbrook*, in full discharge thereof. Sent up for Concurrence.

On the Petition of *John Harris* of *Wethersfield*, as Entred the 5th Currant. Which was Read & Accepted, and thereupon, *Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *John Harris*, in consiration of his Loss of Time, by being Bound to Appear at the next Court of Assize and General Goal Delivery, to be holden at *Plymouth* in *April* next, to give Evidence concerning the Murther of *Isaac Nequoit*. Sent up for Concurrence.

On a Petition of *James Webster*, as Entred the 9th Currant. Which was Read and Accepted, and thereupon, *Resolved*, That the Sum of *Ten pounds* for Smart Money, and *Ten pounds nineteen shillings*, for Nursing, Dyet and Attendance on the Petitioner, from the 8th of *February* 1723, 4, to the 16th of this Instant *December*, [ 81 ] making in the whole the Sum of *Twenty pounds nineteen shillings*, be allowed and paid out of the Publick Treasury to the Petitioner *James Webster*, in Answer to his Petition. Sent up for Concurrence.

The Vote of the Overseers of *Harvard-College*, respecting a Salary for the President of said *College*, together with the Reverend Mr. *Colman's* Answer, as Entred last Night, Read again. And the House Entred into a Debate thereon. And in Answer to the same, The Question was put, *Whether this Court will Establish a Salary or Allowance for the President of Harvard-College for the Time being; before the Person Chosen to that Office has Accepted the Duty and Trust thereof?*

It pass'd in the Negative, *Nemine Contradicente*.

Sent up for Concurrence, by Col. *Chandler*, Maj. *Quincey* and Capt. *Nowell*.



*John Otis*, Esq; brought down a Petition of *Maurice FitzGerald*, a Prisoner in His Majesty's Goal in *Boston*, upon a Sentence which he is not able to perform; and the House having done something on his Petition, as Entred the 16th of *January 1722*, for his Subsistence, and sent up for Concurrence; praying, That this Court would please now to consider of the same, and allow what was Voted by the House then; and that he may be at no further Charge to the Country; That he may be sent into the Publick Service in any Place as a Soldier. Pass'd in Council, *viz.* In Council, *Decemb. 18th 1724.* Read & Ordered, That the Keeper of the Goal in *Boston*, be allowed *Four shillings & eight pence* per Week for Keeping the Petitioner: And that *Josiah Thayer* have the Service of the Petitioner, to him, his Heirs and Assigns within or without this Province, for the space of *Seven Years*, and no longer, to satisfy the Judgment obtained against the Petitioner for *l. 633.* The said *Josiah Thayer* to be forthwith Notified hereof; and if in *Thirty Days* after such Notification he do not take the Petitioner out of Prison, he be then sent to the Eastern Frontiers to serve as a Soldier there. Sent down for Concurrence.

Read & Concur'd with the Amendment, *viz. dele the words* — He be then sent — and add — That His Honour the Lieut. Governour will please to give Orders that he be sent. Sent up for Concurrence.

*William Tailer*, Esq; brought down an Accompt of the Committee appointed for Effecting Repairs at the Light-House, amounting to *l. 37 15 s. 2 d.* Read and Resolved, That the Sum of *Thirty seven pounds fifteen shillings & two pence* be allowed & paid out of the Publick Treasury to the Honourable *William Tailer*, to be by him paid to the Persons to whom the same is due, in full discharge thereof.

Sent up for Concurrence.

An Accompt of Mr. *Benjamin Eliot*, for Paper, Parchment, Books of Record, Quills, Ink, &c. for the Secretaries Office, from *Decemb. 26th 1723*, to the 9th Instant, amounting to *l. 20 6 s. 8 d.* Read & Resolved, That the Sum of *Twenty pounds six shillings & eight pence* be allowed and paid out of the Publick Treasury to the Accomptant Mr. *Benjamin Eliot*, in full discharge thereof.

Sent up for Concurrence.

An Accompt of *Joseph Maylem*, amounting to *l. 3 4s. 6d.* for Keeping a Horse of *Hendrick a Maquois* 43 Nights, at *18 d. per Night.* Read & Resolved, That the Sum of *Three pounds four shillings & six pence* be allowed and paid out of the Publick Treasury to the Accomptant *Joseph Maylem*, in full discharge thereof.

Sent up for Concurrence.

An Accompt of Lieut. *Allason Browne*, for going Express from *Boston* to *Wells*, and back again, in the Service of this Province, by Order of His Honour the Lieutenant Governour. Read & Resolved, That the Sum of *Three Pounds* be allowed and paid out of the Publick Treasury to the Accomptant *Allason Browne*, in full discharge thereof. Sent up for Concurrence.

An Accompt of *Benjamin Bagnall* for Mending the Two Clocks belonging to this Province, amounting to 33 s. Read & Resolved, That the Sum of *Thirty three shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Benjamin Bagnall*, in full discharge thereof. Sent up for Concurrence. [ 82 ]

Ordered, That *John Chandler*, Esq; be the Surveyor, and he is hereby fully Authorized and Impowred to take a Survey of the Nine Hundred Acres of Land, Petitioned for by *William Jencks* of *Providence*, and his Associates, and granted to them by a Vote of this Court, pass'd the 11th of this Instant *December*; and to do all such things Directed and Ordered to be done by the said Surveyor, in and by the said Vote. Sent up for Concurrence.

### Post Meridiem.

An Engross'd Bill Entitled, *An Act for the better Regulating the Admission of Town Inhabitants, within the Province of the Massachusetts-Bay.*

Read & Resolved, That the Bill do pass to be Enacted.

An Engross'd Bill Entitled, *An Act for Explanation of, and in Supplement to, an Act Entitled, An Act for High Ways.* Made in the Fifth Year of the Reign of King *WILLIAM* and Queen *MARY*.

Read & Resolved, That the Bill do pass to be Enacted.

Voted, That all Petitions which shall be presented to this Court at their present Session, shall be referred to the next Session thereof.

Col. *Chandler* from the Committee for Petitions, Reported on a Petition of *Thomas Bradbury* late a Soldier in the Service of this Province Eastward, praying, That the Sum of *Fifteen Pounds*, so much he has been obliged to run into Debt for, by reason of a Fit of Sickness Contracted in the Service; as Entred the 29th of *August* 1723, and revived at the Instance and Petition of Capt. *Joseph Eaton*, Representative of the Town of *Salisbury*. Which was Read & Accepted, and thereupon, Resolved, That the Sum of *Nine Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Thomas Bradbury*, to enable him to discharge the Doctor's Bill for his Cure. And that the further Sum of *Six Pounds* be allowed and paid out of the Publick Treasury to Capt. *Peter Nowell*, to be by him paid to the Reverend Mr. *Samuel Moodey* of *York*, for his Care and Trouble in Nursing and Attending the Petitioner, during his said Sickness at his House. Sent up for Concurrence.

An Accompt of *Mary Bliss*, for the Use of a Horse Impressed into His Majesty's Service on a Journey from *Northampton* to *Albany*, 100 Miles, at 2d per Mile. Read & Resolved, That the Sum of *Sixteen shillings & eight pence* be allowed and paid out of the Publick Treasury to Mr. *William Pynchon*, to be by him paid to the Accomptant *Mary Bliss*, in full discharge thereof. Sent up for Concurrence.

A Petition of *Joseph Calef* of *Boston*, praying, That he may have leave to take into his Service, Six of the Indian Prisoners now in Goal, Namely, *Paul, Ambrose*, and *Philip*, Men, Two Squaws, and one Girl; and that he will at his own Charge Maintain them, for so long a Time as he may be allowed to have them in his Service. Read & Ordered, That the Keeper of His Majesty's Goal, be and hereby is impowred and directed to deliver the said Six Indians to the Petitioner *Joseph Calef*, he giving Security for his returning them when demanded, (Life permitted,) and that during their Continuance in his Service he be obliged to Maintain them; and free the Government from any Charge that may arise concerning them, in Sickness or in Health. Sent up for Concurrence.

A Motion being made, and seconded by many Members, that the House would Reconsider their Vote on the Petition of Mr. *John Nash*, Representative of the Town of *Hadley*, in behalf of said Town, as Entred Yesterday. And the Question was put, *Whether the House would Reconsider the said Vote?* Resolved in the Affirmative. And further, Resolved, That the Sum of *Fifty five pounds eleven shillings* be allowed and paid out of the Publick Treasury to Mr. *John Nash*, to be by him paid to the Persons that have done the Service mentioned in the Petition in full discharge thereof.

Sent up for Concurrence. [ 83 ]

A Petition of Mr. *John Kent* of *Suffield*, praying he may be allowed to Purchase One Hundred Acres of Province Land, on the South side of *Stony-Brook*, so called, in *Suffield*, near where *Northampton* and *Springfield* Ways to *Windsor* meet. Read and Ordered, That Capt. *John Ashley*, and Mr. *William Pynchon* be desired to Repair to the Lands Petitioned for, View the Quality thereof; and Report to this Court at their Session in *May* next, the Value of the same. Sent up for Concurrence.

A Brief being laid on the Table, signed *William Phillips* and *William Taylor*, now Prisoners in *Boston* Goal, shewing, That *whereas they have been found Guilty of Piracy, and Condemned for the same; but have been Reprieved for One Year, through the Compassion of the Judges who Pronounced them Guilty, in order to Supplicate His Majesty's Pardon: That the necessary Charge at the proper Offices in Great Britain, to obtain their Freedom from their Sentence of Condemnation, (tho' it be granted by His Majesty of his meer Grace & free Favour,) will Amount to Twelve Pounds Sterling; and the Petitioners having no Relations in this Country, nor Money, nor Ability to help themselves;* Praying and beseeching the Compassionate Regards of all Charitable Persons towards them in their Miserable Circumstances; that they may not suffer the Pains of Death, for want of Money enough to defray the said Charge. Read. And the House having taken the same into their Compassionate Consideration, *It was Unanimously Voted, for the Charitable End aforesaid, That the Sum of Fifteen Pounds* be paid

to *Edward Winslow*, Esq; to be applied for the Use of the Petitioners; it being what the House have received for Petitions in their present Session; and that Mr. Speaker be desired to deliver the same accordingly.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported on the Muster-Roll of Col. *Edmund Goffe*, as Entred the 4th. Which was Read & Accepted, and thereupon *Resolved*, That the Sum of *One hundred & ninety one pounds two shillings & eleven pence* be allowed and paid out of the Publick Treasury to the Officer and Men born on this Roll, first Deducting what has been already paid and advanced to Col. *Goffe*, agreeable to the said Report. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a-Clock.

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**Sabbati Die 19. Decembris, A. D. 1724.**

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**R***esolved*, That *Robert Auchmuty*, Esq; be directed and impowred by this Court; and he the said *Robert Auchmuty*, is hereby directed and impowred on behalf of Our Sovereign Lord the KING, to Prosecute Capt. *Adijah Dewey* of *Westfield*, at the next Inferiour Court of Common Pleas, to be holden at *Boston* for the County of *Suffolk*, on the First Tuesday of *April* next; upon a late Act of the Province relating to false-Musters; he having continued himself, and sundry Troopers of said *Westfield*, in his Muster-Roll of 1723, and received Wages therefor, when they were not actually in the Service, but at Home about their Business: Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

An Accompt of *Benjamin Rolfe* amounting to 42 s. for Writing for the General Court. Read & *Resolved*, That the Sum of *Forty two shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Benjamin Rolfe*, in full discharge thereof. Sent up for Concurrence.

An Accompt of *Rebeckah Holmes*, for the Charge and Expences of the several Committees of this Court in their present Session. Read & *Resolved*, That the Sum of *Twenty two pounds eighteen shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Rebeckah Holmes*, in full discharge thereof.

Sent up for Concurrence.

*John Otis*, Esq; brought down the Resolve of the House of the 20th of *November* past, for Paying the Committee appointed to Repair to *Ketitticut* Indian Proprietors at *Bridgewater*; with a Message, That 'twill be difficult to get the Money from [ 84 ] the Indians, and therefore desire that the House would Reconsider the said Vote. Read. And the Question was put, *Whether the House would Reconsider the said Resolve?* Resolved in the Affirmative. And further *Resolved*, That the Sum of *Two pounds nineteen shillings* be allowed and paid out of the Publick Treasury; and the further Sum of *Two pounds nineteen*



*shillings* be paid by the Town of *Bridgewater*, to *Samuel Thaxter*, Esq; for the Use of the Committee, in full for the said Service.

Sent up for Concurrence.

*Paul Dudley*, Esq; brought down the following Vote of Council, *viz.* In Council, *Decemb.* 19th 1724. Ordered, That *Nathaniel Byfield* and *Edmund Quincy*, Esqrs; with such as shall be appointed by the Honourable House of Representatives, be a Committee to wait on His Honour the Lieut. Governour, and desire that he would Order an Adjournment of this Court for some short time, that so the Answers of the several Governours to His Honour's late Letters may be laid before the Court, in order to their further direction in the Affair of sending Commissioners to *Canada*.

Sent down for Concurrence. Read & Concur'd, with the Amendment, *And that His Honour be desired to Express His Orders to the several Members of His Majesty's Council, that they Attend their Duty on the Day of the Adjournment.* And that *Mr. Clark*, *Mr. Remington* and *Mr. Lewis* be added to the Committee.

Sent up for Concurrence.

A Message from His Honour the Lieut. Governour by *Samuel Sewall*, *Penn Townsend* and *John Otis*, Esqrs; That His Honour had Passed on all the Acts, Orders, Votes and Resolves which have Passed both Houses this Session; but as the House have not as yet entred into the consideration of the usual Allowances, His Honour desires the House would now pass on them; and when they are gone through the Court, His Honour will either Adjourn or Prorogue the Court for a short time, as may be convenient and best suiting the present Affairs of the Province.

The House entered into the Consideration of the aforesaid Message, and after some short Debate thereon, the Question was put, *Whether the House would now enter upon the consideration of granting Allowances?* It pass'd in the Negative.

And,

*Voted*, That *Mr. Lewis*, *Mr. Tay* and *Mr. Cushing* go up with a Message to the Honourable Board, to Acquaint them that the House have considered the Message respecting the granting Allowances now; and that the Question was thereupon put, *Whether the House would now enter into the Consideration of granting Allowances?* And

It pass'd in the Negative.

*Voted*, That *Mr. Parsons*, and *Mr. James Cushing* go up with a Message to the Honourable Board, to inquire if any thing be likely to come down this Forenoon.

Who returned, That the Board said, They had sent a Message to His Honour the Lieutenant Governour, and expected an Answer presently.

A Message from His Honour the Lieutenant Governour by Mr. Secretary, viz.  
Mr. Speaker,

**I***T is His Honour the Lieutenant Governour's Pleasure, That this Great & General Court should be Adjourned to Monday next, at Three a Clock Afternoon.*

And then Mr. Secretary declared, That the said Great and General Court or Assembly was Adjourned accordingly.

**Lunæ Die 21. Decembris, A. D. 1724. P. M.**

**O***Ordered, That Maj. Quincy and Capt. Loring go up with a Message to the Honourable Board, to acquaint them that the House have nothing before them; and to inquire whether any thing be likely to come down.*

Who returned, They had delivered the Message. [ 85 ]

A Message from His Honour by *William Taler*, Esq; That His Honour had received a Letter from Lieut. Governour *Wentworth* of *New-Hampshire*, to Advise him, That the Government there, had Agreed to send a Commissioner from them, to be joyned with the Commissioners from the *Massachusetts*, to go to *Canada*, on the Errand Agreed on; and that the Gentleman was to be at the Appointment of the Lieut. Governour, who would be ready to Attend that Service in Two Days Notice, after Advice of our Commissioners being ready.

*Whereas of late Years, and more especially in this Time of War, sundry Persons have Inlisted into the respective Troops within this Province, thereby to Exempt themselves from being Impressed, by Means whereof the Burthen lyes wholly or principally on the Foot Companys;*

*Resolved, That when and so often as the Captain General or Commander in Chief for the time being, shall require any of the Colonels, or Commanders in Chief of any Regiment of Militia within this Province, to Impress, Detach or Draw forth any Number of Able-Bodied Effective Men for His Majesty's Service, from his or their Regiment; it shall be in the Power of such Colonel or Chief Officer of the Regiment, to cause to be Impressed Detached or Drawn forth, a Proportionable Number of Troopers for the said Service.*

*And forasmuch as the Captains or Chief Officers of the respective Troops do for the most part Live Remote from many of the Centinals belonging to the same, which renders it impracticable for them without great Charge and Difficulty, to Impress, Detach, or Draw forth in Season, a suitable or proportionable Number of Men for His Majesty's Service;*

*It is therefore further Resolved, That the Captain or Chief Officer of any Foot Company of Militia, in whose Millitary Division any Trooper or Troopers Cohabit or Dwell, having Order for the same in Writing under the Hand of the*

Colonel, or Chief Officer of the Regiment to which he belongs, shall be and hereby is fully Impowred & Authorized to Impress, Detach, or Draw forth, or Cause to be Impressed Detached or Drawn forth, Troopers as well as Foot Men, for the Service of the Government; which said Trooper or Troopers so Impressed, Detached, or Drawn forth, shall Attend His Majesty's Service, according to the Direction of such Warrant, and in Default of Appearance, shall be subject to the Forfeiteres, and Penalties by Law provided, relating to Impresses: Any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

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**Martis Die 22. Decembris, A. D. 1724.**

**A** Petition of *John Chandler, Esq;* Representative of the Town of *Woodstock*, in behalf of *Eliphalet Carpenter* of said Town, setting forth, That the said *Eliphalet Carpenter* obtained a Recommendation from the Select-Men of said Town, directed to the Justices of the Peace for the County of *Suffolk*, in their Session held at *Boston* for said County the First Tuesday of *July* last, for their Approbating and allowing him to keep a Tavern in *Woodstock*; and the Petitioner was desired by the said *Eliphalet Carpenter*, to present the Select-Men's Recommendation to the Justices, for their Approbation as aforesaid; but so it was, That the Session of the General Court in *May* Ended, before the Sitting of the said Court of General Sessions of the Peace, and the Petitioner returned Home, and utterly forgot to leave the Select-Men's Recommendation at *Boston*: Praying, That this Court would please to Impower the said Justices in their next General Session of the Peace to Allow the said *Eliphalet Carpenter* to be a Taverner in *Woodstock*, for the Reasons therein mentioned. Read and Ordered, That it be Recommended to the Justices of the Peace for the County of *Suffolk*, at their next General Session of the Peace, to take the subject Matter of this Petition under Consideration; and that they be, and hereby are Impowred (if they see Cause) to grant a Licence to the said *Eliphalet Carpenter* to be a Taverner in *Woodstock*, the Time by Law appointed for Granting Licenses for this present Year being Elapsed notwithstanding. Sent up for Concurrence. [ 86 ]

*John Otis, Esq;* brought down the Report of the Committee of both Houses, appointed to draw Instructions to be given to the Commissioners to be Chosen by the Court, and sent to *Canada*, on the Errand already Agreed on. Which was not Accepted by the Board; but New Instructions drafted there, and Sent down for Concurrence. Read & Concur'd, with the Amendments, as pointed in the Streamer. Sent up for Concurrence.

A Memorial of Mr. *Thomas Hoite*, Representative of the Town of *Almsbury*, in behalf of *Samuel Clough* of *Almsbury*, shewing, That the said *Clough* is now a Soldier in His Majesty's Service, Eastward, under the Command of Col. *Harman*, in whose last Muster-Roll there was carried out to the said *Clough* the Sum of *l. 8 2 s. 10 d.* for Wages, which is stop'd in the Treasury on Account of his not Returning one of the Province Guns by him received: Praying, That the Value only of the Gun may be stop'd; and that he may be allowed to Receive the remainder, for the Reasons therein mentioned. Read & *Resolved*, That Mr. Treasurer be and hereby is directed and impowred to Pay to Mr. *Thomas Hoite*, what Wages is due to the said *Samuel Clough* on Col. *Harman's* last Muster-Roll, first deducting the Sum of *Fifty Shillings* for the Province Gun which he has received, and not returned to Mr. Treasurer nor his Substitute: The said Mr. *Hoite* to Pay the Money he receives to the said *Samuel Clough*, or his Order. Sent up for Concurrence.

A Bill Entitled, *An Act in addition to an Act Entitled*, An Act in addition to an Act for *preventing Abuses to the Indians*. Made in the Twelfth Year of King *WILLIAM*. Read a first Time.

### Post Meridiem.

A Petition of the Select-Men of the Town of *Attleborough*, shewing, That by reason of a violent Sickness which has lately raged in that Town, and proved Mortal to many Heads of Families, as well as others there; which has reduced the Inhabitants there, to Languishing and Low Circumstances. Praying the Compassionate Consideration of this Court for Relief; That their Tax to the Province for this present Year may be Abated, or that they may otherwise find Relief from the Court, as to them in their wonted Goodness shall seem meet.

Read & referred to the next *May* Session, for further Consideration.

*Jonathan Dowse*, Esq; brought down the Vote of the House respecting Troopers, sent up Yesterday. Pass'd in Council, viz. In Council, *Decemb. 22d 1724*. Read and Non-concur'd. *And whereas of late Years, and more especially in this Time of War, sundry Persons have Inlisted into the respective Troops within this Province, thereby to exempt themselves from being Impressed; by means whereof the Burthen lyes wholly or principally on the Foot Companies: Voted therefore*, That His Honour the Lieut. Governour be desired to reduce the Troops to One, in each Regiment of Militia; and the Centinels in each Troop to the Number of Forty.

Sent down for Concurrence. Read & Concur'd.

*Nathaniel Byfield*, *John Otis*, and *Edmund Quincy*, Esqrs; brought down the Report of the Committee of both Houses, about Instructions to be given to the Commissioners to be sent by this Court to *Canada*, with the Vote of the House



thereon, sent up this Morning. Pass'd in Council, *viz.* In Council, *Decemb.* 22d 1724. Read, and not Agreed to, and the Board Adhere to their Vote of Instructions.

Sent down for Concurrence. Read & Non-concurr'd; and the House Insist on their own Vote.

*Voted*, That a Conference be had on the subject Matter of Instructions to be given to Commissioners agreed on to be Chosen by this Court, to be sent to Monsieur *Veaudreuil* Governour of *Canada*, as the same has been Reported by a Committee of both Houses, together with the several Votes of the Houses pass'd thereon. [ 87 ] And that Mr. Speaker, Mr. *Lewis*, Mr. *Remington*, Maj. *Quincy*, Mr. *Wainwright*, Col. *Chandler*, Mr. *Edward White*, Mr. *Shove*, Mr. *Clark*, and Mr. *Thomas Cushing*, be a Committee in behalf of the House, to Confer with such Committee as shall be appointed by the Honourable Board, to Confer thereon accordingly, to Sit forthwith, and make Report as soon as may be hereon.

Sent up for Concurrence.

*Thomas Fitch*, Esq; brought down the above Vote pass'd in Council, *viz.* In Council, *Decemb.* 22d 1724. Read & Non-concur'd; and *Voted*, That a Conference of both Houses, be had on the Subject above-mentioned, to be forthwith attended.

Sent down for Concurrence. Read & Concur'd.

*Voted*, That Mr. Speaker, Mr. *Remington*, Mr. *Lewis*, Mr. *Wainwright*, and Col. *Chandler*, be the Managers for the House.

A Message from the Board by *Thomas Palmer*, Esq; That the Board are ready to Attend the Conference agreed to be had between the Two Houses, on the Subject Matter about sending to *Canada*.

Mr. Speaker and the House went up accordingly. And the Houses Conferred on the Subject Matter of the Conference Agreed: Which being over, Mr. Speaker and the House returned to their own Chamber.

Then the House Adjourned till to Morrow Morning Ten a-Clock.

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**Mercurij Die 23. Decembris, A. D. 1724.**

**J**onathan Dowse and Samuel Thaxter, Esqrs; brought down the Report of the Committee of both Houses, about Instructions for the Commissioners to be sent to *Canada*. Pass'd in Council, *viz.* In Council, *Decemb.* 22d 1724. Read. And the Board having Reconsidered their former Vote of Yesterday; Voted an Acceptance with an Amendment. Sent down for Concurrence. Read & Non-Concur'd, with the Amendment *A*. And Voted an Acceptance instead thereof, with an Amendment. Sent up for Concurrence.

A Bill Entitled, *An Act in addition to an Act Entitled, An Act in addition to the Act for preventing Abuses to the Indians.* Made in the Twelfth Year of the Reign of King *WILLIAM.* Read a second & third Time, and pass'd to be Engross'd.

Sent up for Concurrence.

A Petition of the Inhabitants of the South Precinct in *Bridgewater*, praying, That the said Precinct may be erected into a separate & distinct Township, for the Reasons therein mentined. Read and referred to the next *May* Session for further Consideration: And that in the mean time the Petitioners serve the Town of *Bridgewater* with a Copy of this Petition, that so they may shew cause why the prayer of the Petition should not be granted.

*William Tailer, John Otis, and Edmund Quincy, Esqrs;* brought down the Instructions to be given to the Commissioners to be sent to *Canada*; with the Vote of the House thereon, sent up this Morning. Pass'd in Council, *viz.* In Council, *Decemb. 23d, 1724.* Read & Concur'd with the Amendments. Sent down for Concurrence.

Read & Concur'd.

*Voted,* That Mr. *Lewis*, and Mr. *Cushing*, go up with a Message to the Honourable Board to acquaint them, That the House are ready to proceed to the Choice of Two Commissioners to be sent to *Canada*, with the Instructions Agreed on, if the Board are ready, and it be agreeable to them.

*Voted,* That a Message be sent to the Honourable Board by Capt. *Chambers*, to acquaint them, That the House propose to go upon the Choice of Two Commissioners to be sent to *Canada*, if it be acceptable to the Board: And that the Choice be made at Three a-Clock Afternoon. [ 88 ]

*Penn Townsend, and John Otis, Esqrs;* brought down the following Vote of Council, *viz.* In Council, *Decemb. 21 1724.* Ordered, That *Samuel Sewall, Nathaniel Byfield, Addington Davenport, and Edmund Quincy, Esqrs;* with such as shall be appointed by the Honourable House of Representatives, be a Committee in the Recess of this Court to Consider of some Method to remedy the Difficulties, many of the Ministers of the Gospel lye under, by reason of the Low Value of the Bills of Credit: His Honour the Lieut. Governour having Recommended the Consideration hereof to this Court, in his Speech at the opening this Session. Sent down for Concurrence.

Read & Concur'd. And Ordered, That Capt. *Chambers*, Mr. *Stone*, Mr. *Thomas Cushing*, Col. *Bond*, and Mr. *Remington*, be added to the Committee in the Affair.

### Post Meridiem.

*Resolved,* That the Sum of *Three Hundred & Fifty Pounds* be allowed and paid out of the Publick Treasury, to His Honour *WILLIAM DUMMER, Esq;* Lieutenant Governour and Commander in Chief of this His Majesty's

Province, for His Support, to enable Him to Manage the Affairs of the Government.

Sent up for Concurrence.

*Resolved*, That the Sum of *One Hundred & Forty Pounds* be allowed and paid out of the Publick Treasury, to *Josiah Willard*, Esq; Secretary of this Province, for his Extraordinary Service the Year past. And that the further Sum of *Forty Pounds*, be allowed and paid out of the Publick Treasury, to the said *Josiah Willard*, Esq; in consideration of the Publick Affairs at this Time, calling for sundry Things to pass that Office necessarily requiring a more strict Attendance from him, to Effect those Matters; many of which have no stated Fee or Allowance. Sent up for Concurrence.

*Resolved*, That the Sum of *Thirty Pounds* be allowed and paid out of the Publick Treasury, to *John Wainwright*, Esq; Clerk of the House, for his Service the Year Current Sent up for Concurrence.

*Resolved*, That the Sum of *Twenty Pounds* be allowed and paid out of the Publick Treasury, to *John Wainwright*, Esq; Clerk of the House, for his Trouble in preparing the Votes for the Press. Sent up for Concurrence.

*Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury to the Honourable *Penn Townsend*, Esq; for the Use of the Reverend Chaplain of the Honourable Board, for his Service the Year past.

Sent up for Concurrence.

*Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury, to Mr. *Ezekiel Lewis*, to be by him paid to the Reverend Mr. *William Cooper*, who has Officiated as Chaplain to the House, the Year past; with the Thanks of the House, for his said Service. Sent up for Concurrence.

*Resolved*, That the Sum of *Thirty Pounds* be allowed and paid out of the Publick Treasury, to *John Flagg*, Door-Keeper to this Court, for his Service for half a Year, which will end the 26th Current. Sent up for Concurrence.

*Resolved*, That the Sum of *Forty Pounds* be allowed and paid out of the Publick Treasury to *Jeremiah Allen*, Esq; Treasurer and Receiver General of this Province, for his Extraordinary Service therein, in the present Year. Sent up for Concurrence.

*Penn Townsend & Edward Bromfield*, Esqrs; brought down the following Vote of Council *viz.* In Council, Dec. 23d 1724. Ordered, That *Edmund Quincy*, *Adam Winthrop*, *Daniel Oliver* and *Thomas Palmer*, Esqrs; with such as the Honourable House of Representatives shall appoint, be a Committee in the Recess of this Court, to take into Consideration the Scheme or Projection of *Thomas Hutchinson*, Esq; for Raising the Value of the Bills of Publick Credit; and Report their Opinion thereof to this Court, at their next Session. Sent down for Concurrence. Read & Concur'd. And Voted, That *Charles Chambers*, Esq; Mr. *Thomas Cushing*, Mr. Treasurer *Allen* and *John Alford*, Esq; be joined in the Affair above.

*Voted*, That the Treasurer be directed to Bury the several Indian Scalps now in his Custody, in some private Place, so as not to be discovered or produced again.

Sent up for Concurrence. [ 89 ]

*Voted*, That Mr. *Lewis*, Mr. *Remington* and Mr. *Wainwright*, be a Committee to carry up the Votes of the House, assist in Counting, Sorting and Numbering them, with the Votes of the Honourable Board, for Commissioners to be sent to Monsieur *Veaudreuil*, Governour of *Canada*, on the Message already Agreed on; and Report to the House the Choice that shall be made.

The said Committee carried up the Votes. And Reported, That the Honourable *William Dudley* and *John Stoddard*, Esqrs; were Chosen by a great Majority of the Votes of both Houses.

*Resolved*, That Mr. Treasurer be, and hereby is impowred and directed to Pay and Advance out of the Publick Treasury to the Honourable *William Dudley* and *John Stoddard*, Esqrs; or either of them, the Sum of *Three Hundred Pounds*, to enable them to Equip, and furnish themselves and Attendants with Necessaries for their Journey as Commissioners on behalf of this Government, to Repair to Monsieur *Veaudreuil* Governour of *Canada*, on the Message this Court have desired His Honour to send them. And further, That the said Mr. Treasurer be also directed and impowred to Pay any Draughts, that the said Commissioners or either of them, shall make on him on the said Message, not exceeding *Three Hundred Pounds*. And the said Commissioners, or either of them, shall be Accountable for the Sums the Treasurer shall Pay them, or either of them, or their, or either of their Order, as aforesaid.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a-Clock

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**Jobis Die 24. Decembris, A. D. 1724.**

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**O***rdere*d, That Mr. *Lewis* go up with a Message to His Honour the Lieut. Governour to desire His Honour would please to let the Court Rise this Morning, the House having done all the Business before them.

A Message from the Board by *Penn Townsend*, *Addington Davenport*, Esqrs; and Mr. Secretary, That the Board had not Concur'd the Vote of the House of *Decemb. 20. 1723.* for making an Allowance to the Chaplain that then Officiated there; and that the Board desire the House now to grant some Allowance to that Gentleman for the said Service, for the Reasons given.

*Whereas a Resolve pass'd the House the 20th of December 1723, for the Sum of Five Pounds to be paid to the Honourable Penn Townsend, Esq; for the Use of the Reverend Chaplain of the Honourable Board, which was not Concur'd by the Board, as they have inform'd the House by their Message: And that the Gentleman*



*that Officiated there as Chaplain might not go without a due Consideration for his Service;*

*Resolved, That the Sum of Five Pounds be allowed and paid out of the Publick Treasury to the Honourable Penn Townsend, Esq; for the Use of the Reverend Chaplain of the Honourable Board that Officiated for the Time mentioned in the aforesaid Resolve; it being the same Allowance that was made to the Chaplain of the House.*

Sent up for Concurrence.

A Message from His Honour the Lieut. Governour by Mr. Secretary, viz.

Mr. Speaker, *His Honour the Lieutenant Governour directs this Honourable House forthwith to attend him in the Council Chamber.*

Mr. Speaker and the House went up accordingly.

And Mr. Secretary said, *That His Honour the Lieutenant Governour Ordered, That this Great and General Court or Assembly should be Prorogued to Wednesday the 20th Day of January next, at Ten of the Clock in the Forenoon. And then Mr. Secretary declared, That the said Great and General Court or Assembly was Prorogued to Wednesday the Twentieth Day of January next, at Ten of the Clock Beforenoon accordingly.*



# JOURNAL

Of the Honourable House of  
Representatives,

Of His Majesty's Province of the  
*Massachusetts-Bay*

IN

*NEW-ENGLAND,*

Begun and Held at BOSTON, upon *Wednesday*  
the Twenty-Sixth Day of *May*, Annoq;  
Domini, 1725.

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BOSTON; Printed by Bartholomew Green, and  
Samuel Kneeland, Printers to the Honourable House  
of Representatives. 1725.





A  
JOURNAL

Of the Honourable House of  
Representatives,

At a Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, Begun and Held at *Boston*, upon Wednesday the Twenty-Sixth Day of *May*, being the last Wednesday of the said Month. *Annoq; Domini*, 1725.

THE Honourable *Nathaniel Byfield*, *John Clark* and *Daniel Oliver* Esqrs; came down from the Council Board, and acquainted the House that they were Appointed and Impowered by *Dedimus* from His Honour the Lieutenant Governour to Administer the Oaths to the Members of the House respectively, and that they were accordingly directed to take and Subscribe the Declaration, Take and Subscribe the Oath of Abjuration (as by the ROYAL CHARTER of this Province is directed) before them: Which was done by all the Members present, and then they withdrew.

*Voted*, That Capt. *John Shiply*, and Mr. *Edward White* go to the Secretaries Office for the Writs and Precepts for the Choice of Representatives, and bring the same into the House, which was done accordingly.

The said Precepts being read, it appeared that the following Persons were returned to Serve for and Represent the several Towns within the Province, As by the following List, *viz.*

*Of the County of Suffolk.*

*Boston*, { Mr. Isaiah Tay  
William Clark Esq;  
Mr. Ezekiel Lewis  
Mr. Thomas Cushing  
*Rox-* { The Hon. Wm. DUDLEY  
*bury*, { (Esq; Speaker  
*Dorchester*, Maj. Thomas Tilestone  
*Milton*, Mr. John Wadsworth  
*Brantrey*, John Quincy Esq;  
*Weymouth*, Mr. John Torrey  
*Hingham*, Capt. Thomas Loring  
*Dedham*, Mr. Joshua Fisher  
*Medfield*, Mr. Solomon Clark  
*Mendon*, Mr. John Browne  
*Wrentham*, Mr. Robert Blake  
*Brookline*, Mr. Edward White

*Woodstock*, John Chandler Esq;  
*Oxford*, \_\_\_\_\_  
*Needham*, \_\_\_\_\_  
*Bellingham*, \_\_\_\_\_  
*Hull*, \_\_\_\_\_  
*Sutton*, \_\_\_\_\_  
*Medway*, \_\_\_\_\_  
*Walpole*, \_\_\_\_\_

*Of the County of Essex.*

*Salem*, { Timothy Lindall Esq;  
Capt. Daniel Epes  
*Ipswich*, { John Wainwright Esq;  
Mr. Thomas Choate  
*Newbury*, Capt. Henry Rolfe  
*Lynn*, Theophilus Burrill Esq;  
*Marblehead*, Mr. John Oulton

*Haverhill*, Mr. John Sanders  
*Rowley*, Mr. John Hobson  
*Salisbury*, Mr. Jeremiah Stevens  
*Andover*, Mr. Benjamin Barker [4]  
*Topshfield*, Mr. John Howlett  
*Boxford*, Mr. Joseph Hale  
*Bradford*, Mr. Samuel Tenney  
*Beverly*, Mr. Jonathan Rayment  
*Wenham*, Capt. William Rogers  
*Gloucester*, Mr. Samuel Stephens  
*Almsbury*, Mr. Joseph Davis  
*Manchester*, \_\_\_\_\_

*Of the County of Middlesex.*

*Cambridge*, Jonathan Remington Esq;  
*Charl-* { Henry Phillips Esq;  
*stown*, { Mr. Joseph Lemmon

Watertown, Jonas Bond Esq;  
 Concord, Capt. William Wilson  
 Newton, Mr. Richard Ward  
 Marlborough, Mr. Caleb Rice  
 Sherbourne, Mr. John Rice  
 Lancaster, Mr. Joseph Wilder  
 Groton, Capt. John Shiply  
 Framingham, Capt. Edward Goddard  
 Chelmsford, Mr. Stephen Pierce  
 Billerica, Mr. John Blanchard  
 Wobourne, Mr. Daniel Pierce  
 Reading, Mr. Thomas Bancroft  
 Malden, Mr. Jonathan Sargent  
 Lexington, Capt. Joseph Estabrooke  
 Weston, Mr. Josiah Jones  
 Dunstable, Eleazer Tyng Esq;  
 Leicester, John Menzies Esq;  
 Littleton, Capt Isaac Powers  
 Medford, \_\_\_\_\_  
 Stow, \_\_\_\_\_  
 Hopkinton, \_\_\_\_\_  
 Shrewsbury, \_\_\_\_\_  
 Dracut, \_\_\_\_\_  
 Westborough, \_\_\_\_\_

*Of the County of Hampshire.*

Springfield, Mr. William Pynchon  
 Northampton, John Stoddard Esq;  
 Hadley, Mr. Westwood Cooke  
 Westfield, John Ashley Esq;

Hatfield, Henry Dwight Esq;  
 Suffield, Mr. John Kent  
 Deerfield, Capt. Thomas Wells  
 Enfield, \_\_\_\_\_  
 Northfield, \_\_\_\_\_  
 Brookfield, \_\_\_\_\_  
 Sunderland, \_\_\_\_\_

*Of the County of Plymouth.*

Plymouth, Capt. Benjamin Warren  
 Scituate, Mr. Thomas Bryant  
 Marshfield, Mr. John Kent  
 Duxborough, Mr. Samuel Sprague  
 Bridgewater, Mr. Thomas Ames  
 Middleborough, Mr. Nath. South-  
 (worth)  
 Rochester, Mr. Thomas Turner  
 Plympton, Mr. Isaac Cushman  
 Pembroke, Mr. Elisha Bisby

*Of the County of Barnstable.*

Barnstable, Shubael Gorham Esq;  
 Yarmouth, Capt. Ebenezer Hawes  
 Sandwich, Ezra Bourne Esq;  
 Eastham, Mr. John Paine  
 Harwich, Capt. Edmund Freeman  
 Truro, Mr. John Snow  
 Chatham, \_\_\_\_\_  
 Falmouth, \_\_\_\_\_

*Of the County of Bristol.*

Bristol, Nathaniel Paine Esq;  
 Taunton, Seth Williams Esq;  
 Swansea, Mr. Ephraim Pierce  
 Rehoboth, Mr. Joseph Peck  
 Little-Compton, Tho. Church Esq;  
 Dighton, Mr. Edward Shove  
 Tiverton, Mr. Gershom Woodel  
 Attleborough, Capt. John Foster  
 Norton, Mr. William Stone  
 Dartmouth, Mr. Henry Howland  
 Freetown, Thomas Terry Esq;  
 Barrington, \_\_\_\_\_

*Of the County of Dukes County.*

Edgartown, Mr. John Norton  
 Chilmark, \_\_\_\_\_  
 Tisbury, \_\_\_\_\_

*Of the County of York.*

York, Samuel Came Esq;  
 Kittery, Capt. Nicholas Shapleigh  
 Wells, Mr. Dependence Littlefield  
 Berwick, Mr. James Grant  
 Biddeford, \_\_\_\_\_  
 Falmouth, \_\_\_\_\_

*Of the County of Nantucket.*

Sherbourne, George Bunker Esq;

The House proceeded to bring in their Votes for a Speaker, which being Examined it appeared that the Honourable WILLIAM DUDLEY Esq; was Chosen Speaker of the House by a very great Majority of the Votes, and was accordingly Conducted to the Chair.

Then the House proceeded to the Choice of a Clerk by written Votes, and upon Collecting the same, it appeared that *John Wainwright* Esq; was Unanimously Chosen, and the Oath proper to the said Office was Administrted to him by *John Chandler* Esq;

*Ordered*, That *Timothy Lindall* Esq; *Mr. Ezekiel Lewis*, and *Col. Chandler*, go up with a Message to His Honour the Lieut. Governour, and to the Honourable Board, to acquaint them that the House have made Choice of the Honourable *William Dudley* Esq; for their Speaker, and that he is now Sitting in the Chair.

A Motion was made and seconded by divers of the Members that the Election of *John Menzies* Esq; who is returned Representative of the Town of *Leicester* is not regular, for the Reasons given.

*Ordered*, That this House to Morrow Morning will enter into the Consideration of the Objections made against the Election of the said *John Menzies* Esq; and that in the mean time he be not allowed to Vote as a Member of the House.

**Post Meridiem.**

*Ordered*, That Mr. *Lewis, William Clark* Esq; and Col. *Stoddard*, go up with a Message to the Honourable Board to inform them that the House is ready to go upon the Choice of Councillors, pursuant to the ROYAL CHARTER, Who returned that they had delivered the Message.

A Message from the Board by *Samuel Thaxter* Esq; that the Board are ready to go upon the Choice of Councillors, and have prepared their Votes for Eighteen Councillors for the late Colony of the *Massachusetts-Bay*. [ 5 ]

*Ordered*, That no Member withdraw without Leave of the House 'till the several Elections of Councillors are made, on pain of incurring the Displeasure of the House.

*Ordered*, That *Jonathan Remington* Esq; Mr. *Lewis*, Mr. *Wainwright*, Col. *Stoddard*, and Capt. *Epes*, be a Committee to carry up the Votes of the House for Councillors, and assist in Sorting and Counting them together with the Votes of the Honourable Board, and report to the House the several Elections that shall be made.

The said Committee carried up the Votes for Eighteen Councillors that are Inhabitants of or Proprietors of Lands within the Territory formerly called the Colony of the *Massachusetts-Bay*, and reported that Eighteen were Chosen by a Major part of the Votes, *Viz.*

The Honourable

*William Tailer* Esq;  
*Penn Townsend* Esq;  
*Benjamin Lynde* Esq;  
*John Clark* Esq;  
*Samuel Brown* Esq;  
*Edmund Quincy* Esq;  
*Jonathan Dowse* Esq;  
*Samuel Thaxter* Esq;  
*Daniel Oliver* Esq;

*Samuel Sewall* Esq;  
*Nathaniel Byfield* Esq;  
*Addington Davenport* Esq;  
*Thomas Hutchinson* Esq;  
*Thomas Fitch* Esq;  
*Adam Winthrop* Esq;  
*Paul Dudley* Esq;  
*John Turner* Esq;  
*Thomas Palmer* Esq;

The said Committee carried up the Votes for Four Councillors that are Inhabitants of or Proprietors of Lands within the Territory formerly called *New-Plymouth*, and reported that Four were Chosen by a major part of the Votes, *Viz.*

*John Cushing* Esq;  
*Melatih Bourne* Esq;

*John Otis* Esq;  
Capt. *William Throop*

The said Committee carried up the Votes for Three Councillors that are Inhabitants of or Proprietors of Land within the Territory formerly called the

Province of *Maine*, and reported that Three were Chosen by a major part of the Votes, *Viz.*

*John Wheelwright* Esq; *Joseph Hammond* Esq; *Edward Hutchinson* Esq;

The said Committee carried up the Votes for One Councillor that is an Inhabitant or Proprietor of Land within the Territory lying between the River of *Sagadahock*, and *Nova-Scotia*, and reported that One was Chosen by a major part of the Votes, *Viz.*

*Spencer Phipps* Esq;

The said Committee carried up the Votes for Two Councillors that are Inhabitants of or Proprietors of Lands within any part of the Province, and reported that Two were Chosen by a major part of the Votes, *Viz.*

*Elisha Cooke* Esq;

*Symonds Epes* Esq;

Then the House Adjourned 'till to Morrow Morning Ten a Clock.

**Jobis Die 27. Maij, A. D. 1725.**

**M**R. Secretary *Willard* brought down the List of Councillors chosen Yesterday by both Houses.

*Voted*, That *Timothy Lindal*, *John Stoddard* Esqrs. Mr. *Ezekiel Lewis*, *Jonathan Remington* and *John Chandler* Esqrs. wait on His Honour the Lieutenant Governour with the List of Councillors of Assistants newly chosen for the Year ensuing, for His Honours Approbation of the Persons therein named to be signified in writing under his Hand, conformable to the ROYAL CHARTER. [ 6 ]

Mr. Secretary *Willard* brought down the List of Councillors or Assistants lately Chosen for this Province for the present Year, Signed by His Honour the Lieutenant Governour in these Words. *Viz.*

I Consent to all the Elections herein mentioned excepting Mr. *William Throop*.  
*Wm. DUMMER.*

A Memorial of *John Cumings*, *Joseph Underwood* and several others Inhabitants of the Town of *Chelmsford*, shewing that Mr. *Stephen Pierce* who is returned Representative for the said Town, is not a Resident therein, and praying that the House would declare the Choice of the said Mr. *Stephen Pierce* to be illegal for the Reasons therein given. The Parties were admitted into the House, and were fully heard on the said Memorial and then withdrew, and the said Mr. *Pierce* did also withdraw, and the House entred into a Debate on the said Memorial, after which the Question was put, *Whether Mr. Stephen Pierce who is returned Representative for the Town of Chelmsford, and whose Residence is without the known Bounds of said Town, is capable by Law of being chosen Representative for said Town.*

It passed in the Negative unanimously.



*Ordered*, That a Precept be issued out under the Hand and Seal of Mr. Speaker, directed to the Select-Men of the Town of *Chelmsford*, to assemble the said Town to Choose a Representative for them in the present Great and General Court or Assembly, and that the Select-Men be directed to make return on the said Precept, with there doings thereon on or before the Fourteenth Day of *June* next.

Mr. *Stephen Pierce* was Admitted into the House, and Mr. Speaker acquainted him with the aforesaid Votes, and then he withdrew.

A Petition Signed *Joshua Bayley, James Sanders, Thomas Haines, Daniel Bodwell* and *Christopher Bartlett*, Select-Men of the Town of *Haverhill*, alledging that the Persons that called the said Town together for the Choice of a Representative, and who signed the Precept sent to the Select-Men, are not the Select-Men of the Town, nor is the Person that Notified and Summoned Mr. *John Sanders* to represent them, Constable of the said Town, Praying that the Choice of the said Mr. *Sanders* may be declared Null and Void, for the Reasons therein given. Read, And

*Ordered*, That the Consideration of this Petition be referred to Four of the Clock this Afternoon, and that the Parties therein concerned be directed then to Attend the House, that they may be heard thereon.

According to the Order of the Day the House entred into the Consideration of the Objection made against the Election of *John Menzies* Esq; who is returned Representative of the Town of *Leceister*. Mr. *Menzies* was heard to inforce the Validity of the Choice the Town of *Leicester* made of him for their Representative, and then withdrew, and after a Debate being had thereon the Question was put; *Whether John Menzies Esq; at the time of his being chosen Representative of the Town of Leicester was a Resident in the said Town?*

It passed in the Negative.

### Post Meridiem.

The House proceeded to examine the Return on the Precepts for the Choice of Representatives, and Consider of the Excuses of the several Towns that had not sent their Representatives according to Law, and the Towns following were excused, viz. *Oxford, Needham, Medway, Manchester, Westborough* and *Tisbury*; and the following Towns were by Law excused, viz. *Bellingham, Hull, Sutton, Medway, Walpole, Shrewsbury, Dracut, Northfield, Sunderland, Chatham, Falmouth, Barrington* and *Chilmark*.

The Orders of the House the last Year were Read, and *Voted* that the same be the Orders of this House, with several Amendments and Additions made to them.

*Voted*, That Capt. *William Wilson*, Mr. *Edward White*, Mr. *Joseph Hale*, and Mr. *John Torrey* be the Monitors of the House, to see that the Orders are observed and put in Execution. [ 7 ]

A Message from His Honour by Mr. Secretary, viz. Mr. Speaker, His Honour the Lieutenant Governor directs this Honourable House forthwith to attend him in the Council Chamber.

Mr. Speaker and the House went up accordingly, and His Honour made a S P E E C H to the Court, of which Mr. Speaker obtained a Copy, and then with the House returned to their own Chamber.

His Honour's S P E E C H is as follows, Viz.

G E N T L E M E N,

**I** Conclude you are here met with hearty Inclinations to exert your best Endeavours for His Majesty's Service and Honour, and the Good and Prosperity of your Country; to which you'll Apply your selves with all Convenient Dispatch.

It will be needless for me to recount the Progress of our Forces against the Enemy since the last Session of the General Court, those Events being well known: Wherefore I shall only observe to you that as we have lost some Brave Men, we have through the favour of G O D destroyed more of the Salvages; And I am hopeful that a Vigorous Prosecution of the War (perhaps for another Year) will with the Divine Blessing reduce the Enemy to a Submission upon such Reasonable and Equitable Terms as we shall Demand: And it will lie with you to make a suitable Provision for the Expence thereof.

And since the Method of Impresssing Soldiers has been found many ways inconvenient and insufficient, I am of Opinion it will save Money to the Province, and much better answer their Hopes and Expectations if a Premium be Granted to such as will Voluntarily Inlist; by which means we may be Supplied with Good Men equal to the Service: And it's well known that the Enemy are Men able of Body and inured to the Fatigues and Arts of War.

I Recommend to your Compassion the Widow of Capt. Lovewell and those of his Men who dyed bravely in the late Action at Piggwackett, in the Service of their Country: And I make no doubt but you will distinguish by a suitable Reward such Officers and Soldiers as have distinguished themselves by an uncommon Bravery.

I have received from the Commissioners who went to Canada an Account of their Negotiation there, which shall be Communicated to you.

Gentlemen,

If you are inclined to save Time by making this session as short as may be, my Application shall not be wanting to give every thing that shall come before me the quickest Dispatch.

Wm. D U M M E R.

Edward Hutchinson Esq; brought down the following Vote of Council, viz. In Council May 27. 1725. Ordered, That Col. Cushing, Mr. Lynde and Mr. Davenport be a Committee with such as shall be appointed by the Honourable House

of Representatives, to report what Acts are Expired or near Expiring, and what Acts are proper to be made for the Benefit of the Province. Sent down for Concurrence. Read and Concurr'd. And,

*Ordered*, That *Timothy Lindal*, *Jonathan Remington*, *John Quincy* and *John Stoddard* Esqrs. be joined with the Committee of the Board in the Affair.

The Petition of *Joshua Bayley* and others, as entred in the Morning, read again, and the Parties were admitted into the House and were heard on the Petition and withdrew; whereupon the House passed the following Order, *viz.* *Ordered*, That *John Mash*, *Asie Swan*, *Robert Peaslee* and *Timothy Ayer* who have signed the Precept sent to *Haverhill* for the Choice of a Representative, as Select Men of the said Town, and *Nathaniel Peaslee* who has Countersigned the Precept as Constable of the said Town of *Haverhill*, be served by the Petitioners with a Copy of this Petition, that they give in their Reasons to this House (if any they have) on Thursday the Third Day of *June* next, why the Prayer of the Petition should not be Granted.

*Ordered*, That Mr. Speaker, Mr. *Lewis*, and Mr. *Tay*, wait on the Reverend Mr. *Ebenezer Thayer*, with the Thanks of the House for his Sermon Preached Yesterday before the Great and General Court, and desire he would please to give a Copy of the same for the Press.

Then the House adjourned 'till to morrow Morning Nine a Clock.

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### Veneris Die 28. Maij A. D. 1725.

**A**N Accompt signed *Daniel Russell* County Treasurer for the County of *Middlesex*, for the Year 1724. Dated at *Charlestown* April 13th 1725. was presented for allowance. Read and accepted, and *Ordered*, That this Accompt be allowed. Sent up for Concurrence.

*Voted*, That *John Stoddard*, *John Chandler*, *Jonathan Remington*, *Timothy Lindall* and *Nathaniel Paine* Esqrs. be the Committee for Petitions.

*Voted*, That Mr. *Lewis*, Mr. *Oulton*, Maj. *Quincy*, Capt. *Wells* and Mr. *Choate* be the Committee for Muster Rolls.

*This being the happy Anniversary of His Majesty's Birth-Day, and the Great and General Court or Assembly of this Province being now Convened,*

*Voted*, That is the unanimous Desire of this House, that the Court may express their Loyalty and Duty to His Majesty and the Royal Family, and therefore propose the Court House as a proper Place for the Court to express themselves on this joyful Occasion in the after part of the Day.

Sent up for Concurrence.

Mr. Speaker Communicated a Letter from Mr. Agent *Cooke*, dated *London*, February 8th 1724. inclosing the Report of His Majesty's Attorney and Solicitor General, on Governour *Shute's* first Memorial to His Majesty, with

sundry other Papers respecting the Publick Affairs of the Province now before the Court. Read.

An Accompt signed *Rachel Lund* amounting to *l 12 16s.* for subsisting sundry of Capt. *Lovewell's* Men, at their Return from the Fight of *Ossapy*, and supplying sundry wounded Men with Medicines, Necessaries, &c.

Read and Committed to the Committee for Petitions.

### Post Meridiem.

A Petition of *Henry Blasdell* of *Groton*, shewing that by Virtue of a Warrant from Col. *Goffe* he served as Surgeon to the Western Forces from the 10th of *September* to the 6th of *December* past, being twelve Weeks and three Days, for which Service and the Medicines he adminstred to the Forces in the Service of the Province, he thinks he deserves *Twenty six Pounds Fourteen Shillings* for the Reasons mentioned in the Petition, and praying that the same may be allowed him out of the publick Treasury.

Read and Committed to the Committee for Petitions.

A Petition of *Thomas Miller* a Soldier in His Majesty's Service Eastward, setting forth that over and above the Duty and Service which he has performed as a Soldier, he has served as Surgeon to many of the Forces there, by Order of Col. *Harman*, praying that he may be allowed for his said Service as to this Court in their Wisdom and Justice shall seem meet, for the Reasons therein mentioned. Read and Committed to the Committee for Muster-Rolls.

[9]

His Honour the Lieut. Governour's Speech, Read again.

Ordered, That a Journal of this House during the Session and Sessions of the Court be Printed, One for each Member of the House, and another for the Town he Represents.

Voted, That the Representatives of the Town of *Boston*, be desired to Inspect and Correct the Press in taking off the Journal of the House.

Voted, That Col. *Chandler*, Capt. *Rolfe*, and Mr. *Wilder* go up with a Message to His Honour the Lieut. Governour to desire His Honour would please to lay before the House the Number of the Forces retained in His Majesty's Service and Pay of this Government, and the Places in which they are Posted.

*Penn Townsend* and *Nathaniel Byfield* Esqrs; brought down the Journal of the Commissioners that were sent to *Canada* the last Year.

Signed *Samuel Thaxter*, *William Dudley*.

Passed in Council, viz. In Council May 28. 1725. Read.

A Message from the Board by *Adam Winthrop* Esq; that the Board have concurred the Vote of the House respecting the Celebration of His Majesty's Birth-Day.

Then the House adjourned 'till to morrow Morning Nine a Clock.



Sabbati Die 29. Maij. A. D. 1725.

**A**N Accompt signed *William Throop*, County Treasurer for the County of *Bristol* for the Year 1724. was presented for Allowance. Read and Accepted, and *Ordered*, That this Accompt be allowed. Sent up for Concurrence.

An Accompt signed *Joseph Hauley*, County Treasurer for the County of *Hampshire* for the Year 1724. was presented for Allowance. Read, Accepted, And,

*Ordered*, That this Accompt be allowed. Sent up for Concurrence.

An Accompt signed *John Dyer* County-Treasurer of the County of *Plymouth*, for the Year 1724. was presented for Allowance, Read, And

*Ordered*, That this Accompt be allowed, excepting the first Article of *Fifteen Shillings* Charged as paid to Mr. *Thomas Witherell*, which is not allowed, as being an improper Charge. Sent up for Concurrence.

A Petition of Mr. *Joseph Davis*, Representative of the Town of *Almsbury*, in behalf of the said Town, setting forth that the said Town have Voted to have a Divisional Line betwixt the East End & West End thereof, as the same is described & set forth in the Petition, in Order to have Two Precincts made for the seperate Support & Maintenance of the Ministry there, and a Conditional Grant of the Parsonage Lands and Meadows to the Upper or West End of the said Town, and Praying that the said Town Votes may be Confirmed, and have the Sanction of this Court, and that the Town may be divided into Two Precincts accordingly. Read, And

*Ordered*, That the Prayer of the Petition be so far Granted as that the Town of *Almsbury* be and hereby is divided into Two Seperate and Distinct Precincts by the Line mentioned and described in the Petition, and that each of them shall Have, Exercise and Enjoy the same Powers and Priviledges with the other Precincts in this Province. Sent up for Concurrence.

A Bill Entitled, *An Act for Granting unto His Majesty several Rates and Duties of Impost and Tunnage of Shipping*. Read a First Time. [ 10 ]

*Voted*, That Col. *Stoddard*, Col. *Chandler*, Mr. *Wainwright*, Col. *Paine* and Mr. *John Paine*, be a Committee to repair to the Treasurer, and take an Accompt of the Towns that have received their Proportions of the £50,000 Loan, as well as the Towns that have not received their Proportion of the said Loan, and report the same to the House with their Opinion of what may be proper to be done for the more effectual calling in the said Loan, pursuant to the Act for Making and Emitting the same.

A Petition of *Thomas How* and sundry others, of *Marlborough* and *Stow*, as Entred the Fifth of *June* last, and referred to this Session. Read and referred to the next *May* Session for further Consideration.

A Petition of *Jonas Howton, Joseph Baxter*, and sundry other Inhabitants of the Town of *Medfield*, and other Persons of this Province, Praying for a Grant of a Tract of Land between *Oxford, Brookfield*, and *Brimfield*, and the Province Lands, as Entred the Twenty-first of *December, 1723*, and the Thirtieth of *May* last, and referred to this Session.

Read and referred to the next *May* Session for further Consideration, and that in the mean time, the Petitioners be allowed at their own Cost and Charge to take a Survey of the Lands Petitioned for, and Return a Plat thereof to this Court at the said Session, and that they be directed to set forth the Farms and Lands already Granted, which may fall within the Line of the Lands Petition'd for.

Sent up for Concurrence.

His Honour Communicated to the House by Mr. Secretary a List of the Number of the Forces retained in His Majesty's Service and Pay of this Government, and the Places in which they are Posted, which Mr. Secretary laid on the Table.

Then the House Adjourned till Monday next Three a Clock Afternoon. [ 11 ]

# V O T E S

## Of the House of Representatives.

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*N.B.* In the List of the Members of the House, dele *Sherburne*, & add *Sudbury* — And *Sherburne*, Capt. Samuel Bullard.

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Lunæ Die 31. Maij A. D. 1725.

Post Meridiem.

**A** Petition of *Gershom Rice* and sundry others, praying for a Tract of Land, including the Great *Wachusett* Hill, as entred the 30th of *May* last, and referred to this Session. Read and referred to the next *May* Session for further Consideration.

Mr. Secretary *Willard* brought down a Journal from Col. *Thomas Westbrooke*, giving an Account of his Proceedings from the Time he left this Town to the Time of his preparing his Affairs for the Court in the present Session, and also two Letters from the said Col. *Westbrooke* and Col. *Harman*, which his Honour thought proper to communicate to the House.

*Voted*, That Mr. Speaker, Col. *Stoddard*, Mr. *Wilder*, Capt. *Came* and Col. *Chandler* with such as shall be appointed by the Honourable Board be a Committee to take under Consideration that part of His Honour's Speech which relates to the War, and make Report of their Opinion thereon as soon as may be. Sent up for Concurrence.

An Accompt of *Joseph Todd* amounting to *l. 6* 9s. 8. for Medicines, Nursing and Attendance on *Samuel Frere* a Soldier in His Majesty's Service under the Command of Capt. *Richard Bourne*.

Read and committed to the Committee for Petitions.

*Resolved*, That this House on Friday next before noon will proceed to the proportioning the several Towns in this Province to a Tax of *One Thousand Pounds*.

A Memorial of Col. *Edmund Goffe* shewing that he received a Commission from His Honour the Lieutenant Governour to command the Forces in *Middlesex*, which Service he attended, and that he presented his Muster Roll, the last Session of this Court, when he was allowed by both Houses only Captains Pay, and that His Honour has not signed the Resolve for the Wages allowed on the said Roll, so that no Wages has as yet been paid thereon, as the Memorial sets forth, and praying that this Court would pass an Order for the Payment of the Wages charged in the Roll without any Deduction, for the Reasons therein given, which Memorial was accompanied with the aforesaid Muster Roll. Read. And the Question was put, *Whether the Prayer of the Memorial shall be granted?*

It passed in the Negative.

And the following Resolve passed on the said Roll. *Viz.*

*Resolved*, That that the Sum of *One Hundred and Ninety one Pounds Two Shillings and Eleven Pence* be allowed and paid out of the publick Treasury to the Officer and Men born on this Roll, first deducting what has been already paid and advanced to Col. *Edmund Goffe* on Account of the Wages or Subsistence due to the Persons born on said Roll.

Sent up for Concurrence.

Then the House adjourned 'till to morrow Morning Nine a Clock. [ 12 ]

**Martis Die 1. Junij, A. D. 1725.**

**A** Bill Entitled, *An Act for apportioning and assessing a Tax of Twenty Thousand Pounds.* Read a first Time.

*Ordered*, That a Precept be issued out under the Hand and Seal of Mr. Speaker directed to the Select Men of the Town of *Leicester*, to assemble the said Town, to choose a Representative for them, in the room of *John Menzies* Esq; (if they see Cause) in this present Great and General Court or Assembly, and that the Select Men, be directed to make a Return on said Precept with their doings thereon, on or before the 21st Day of *June* Currant.

Col. *Stoddard* from the Committee for Petitions, reported on the Accompt of Dr. *Joseph Todd*, as entred Yesterday, *viz.* The Committee are of Opinion that the several Articles of Charge in said Accompt are reasonable, that therefore the Sum of *l. 6 6s. 8d.* be allowed and paid out of the publick Treasury to Mr. *Joseph Todd* in full discharge of said Accompt. Read and Accepted. And,

*Resolved*, That the Sum of *Six Pounds Six Shillings and Eight Pence* be allowed and paid out of the publick Treasury to the Accomptant Dr. *Joseph Todd* in full discharge of said Accompt. Sent up for Concurrence.

A Petition of Serjeant *Joseph Clesson* and Serjeant *Jeremiah Waite* who commanded two Parties in an Expedition to *Otter Creek* in *June* 1724. being impressed by Col. *Partrigg*, with an Accompt of their Expences for necessaries, in fitting out, praying that they may be allowed the said Accompt, and also what shall be thought reasonable for their hard Service in the Expedition, which was accompanied with a Memorial and Account of the said Service of Dr. *Thomas Hastings* of *Hatfield*.

Read and committed to the Committee for Muster Rolls.

An Accompt signed *Edward Winslow* amounting to *l. 11 18s. 6d.* for an Express to *Hingham*, sundry repairs to the Governour's House, and a Silver hilted Sword and Belt presented by His Honour the Lieutenant Governour, &c. to Captain *Wyman*. Read. And



*Resolved*, That the Sum of *Eleven Pounds Eighteen Shillings and Six Pence* be allowed and paid out of the publick Treasury to *Edward Winslow Esq*; in full discharge of the said Accompt. Sent up for Concurrence.

An Accompt signed *Edward Winslow*, amounting to *l. 37 11s.* being for sending out the Proclamations at several Times for Proroguing and Dissolving the General Court, a Proclamation for a Fast, and the Writs and Precepts for Calling this present Great and General Court or Assembly.

Read and committed to the Committee for Petitions.

Several Accompts of Charges, as Scoutings, Expresses, Subsistence, Ferrage, &c. in the Service of the Province in the County of *Hampshire* from Col. *Partrigg* and Col. *Stoddard*.

Read and committed to the Committee for Muster Rolls.

Several Accompts of Scoutings and other Services for the Province in the County of *York*, by Order of Col. *Wheelwright*, in the Month of *August 1724*.

Read and committed to the Committee for Muster Rolls.

A Message from the Honourable Board by *Nathaniel, Byfield, Addington Davenport, John Clark* and *Edmund Quincy Esqrs.* that the House would reconsider their Vote passed yesterday on the Muster Roll and Memorial of Col. *Edmund Goffe*, and that his Pay may be raised to Majors Pay, according to the Advice of the Board to his Honour, when He commissioned the said Col. *Goffe* to go into the Service Westward, The Advice of the Council was Read, and the said Muster Roll and Memorial were laid on the Table.

The House entred into the consideration of the abovesaid Message, and the Question was put, *Whether the House would reconsider their Vote on the said Muster Roll?* *Resolved* in the Affirmative. [ 13 ]

Then the Question was put, *Whether Majors Pay, viz. Fifty Shillings per Week shall be allowed to Col. Edmund Goffe for the Time he was in the Service the last Year?*

*Resolved* in the Affirmative.

*Voted*, That Mr. *Lewis* and Mr. *Wainwright* go up with a Message to His Honour the Lieutenant Governour, to desire His Honour would please to give Order that the Journal of Col. *Edmund Goffe* of his Proceedings while he was in Command of the Forces Westward the last Year, may be laid before the House.

*Penn Townsend* and *John Cushing Esqrs.* brought down a Memorial of the Select Men of the Town of *Boston* addressed to His Honour the Lieutenant Governour and Commander in Chief, and the Honourable Board, shewing that there is at present a great scarcity of Bread Corn, and it is greatly to be feared it is likely to continue so, notwithstanding which there are considerable Quantities of Wheat and Bread Corn now shipping and already shipped on board two Ships in the Harbour and bound to Foreign Parts, and praying that some Order

may pass for the prohibiting and restraining the Exportation of the said Bread Corn; with the following Vote of Council, *viz.* In Council *June 1. 1725.* Information being given to this Board by the Select Men of the Town of *Boston*, That considerable Quantities of Bread Corn are shipped on board several Vessels in order to be exported and sent into Foreign Parts, notwithstanding the present Scarcity and Dearthness thereof, and particularly that Capt. *Webber* and Capt. *Bull* are now loading their Ships with Grain. *Ordered*, That the said *Webber* and *Bull* do forthwith unlade all the Grain they have taken on board their Vessels and expose the same to Sale for the supply of the Towns, and that no Person do presume to export any Bread or Bread Corn into Foreign Parts, without Leave for it obtained from the Governour and Council. Sent down for Concurrence. Read.

### Post Meridiem.

An Accompt of *Bartholomew Green* and *Samuel Kneeland* for Paper and Printing the Journal of the House the last Session of the Court, amounting to *l. 32 12s. 6d.*

Read. And

*Resolved*, That the Sum of *Thirty Two Pounds Twelve Shillings and Six Pence* be allowed and paid out of the publick Treasury to *Bartholomew Green* and *Samuel Kneeland* the Accomptants, in full discharge thereof.

Sent up for Concurrence.

An Accompt of *Bartholomew Green* for Paper and Printing Proclamations, Warrants, Acts, &c. for this Court, from the 18th of *June* to the 17th of *April*, amounting to *l. 19 2s.* Read. And

*Resolved*, That the Sum of *Nineteen Pounds Two Shillings* be allowed and paid out of the publick Treasury to the Accomptant *Bartholomew Green* in full discharge thereof. Sent up for Concurrence.

The Vote of the Board brought down in the Morning, on the Memorial of the Select Men of the Town of *Boston*, praying that the Bread Corn on board the two Ships outward Bound, may be prohibited from being exported, Read again, and the Question was put, *Whether the House will concur with the said Vote of the Board?* It passed in the Negative.

A Muster Roll of the Company in His Majesty's Service Eastward, under the Command of Lieut. *Allason Brown*, with an Accompt of Disbursements of the said Lieut. *Brown*.

Read and committed to the Committee for Muster Rolls.

*"Forasmuch as many Towns within this Province have variously confirmed these Words — The Major Vote of such Assembly — in the Act Entitled An Act for Regulating Townships, Choice of Town Officers, and Setting forth their Power, Made in the Fourth Year of King William and Queen Mary. Whereby*

"some Difficulties may arise as to the Determination of a Vote for the Choice of a Town Officer, For Prevention whereof: [ 14 ]

The following Question was put, *Viz.* Whether by the said Words in Voting for a Town Officer — The Major Vote of such Assembly — ought to be understood — The Majority of the Voters Present and Voting in such Choice?

Resolved in the Affirmative. And that the said Law ought so to be understood. Sent up for Concurrence.

*Edward Hutchinson Esq;* brought down the Report of the Committee appointed to run the Divisional Line between the Two parts of the Town of *Chelmsford* in order for Setting off, and Erecting the Westerly half part of the Lands in *Chelmsford* into a Seperate Precinct, as Entred the Fourth of *December* past, Signed *Spencer Phipps & Henry Phillips* by Order of the Committee. Pass'd in Council, *viz.* In Council *June 1st. 1725.* Ordered, That this Report be Accepted, and that the Divisional Line between the Two Precincts in *Chelmsford* be and hereby is Settled and Established accordingly, and agreeable to the Plat herewith Exhibited. Sent down for Concurrence.

Read and Concurr'd. Sent up.

A Petition of the Town of *Littleton* together with sundry Inhabitants of the Towns of *Chelmsford* and *Concord*, Praying that some of the Inhabitants of the New Precinct in *Chelmsford* may be continued to the Town of *Littleton*, or that this Court would take such further Order for their Relief, as in their Wisdom shall seem meet, for the Reasons therein given.

Read and Committed to the Committee for Petitions.

*Jonathan Dowse Esq;* brought down a Petition of *Nicholas Simons* Mariner, shewing that in the Month of *December* last he was taken in the Bay of *Hondoras* by *Shipton* the Pirate, and was by the said Pirate Ordered on Board the Ship *John & Mary* of *Boston*, *Thomas Glen* Master, who was also taken by the said Pirate, and the Petitioner was directed to take the Command of the said Ship *John and Mary*, (Three of the Pirates Crew being with him) and to follow the Pirate, but he parted with the said Pirate *Shipton*, and released Two forced Men that lay bound on Board the *John & Mary*, and destroyed the said Three Pirates and carried the Ship into *Rhode-Island* with her Loading: But Forasmuch as the Petitioner is a Man of low Circumstances, and dare not follow the Sea any longer for his Support and Livelyhood, the Pirates having Vowed Revenge against him, prays the Consideration of this Court, that they would of their known Goodness bestow such Bounty on him for his Relief as in their Wisdom shall seem best. Pass'd in Council, *Viz.* In Council *June 1st. 1725.* Read and Sent down Recommended.

Read and Committed to the Committee for Petitions.

Then the House Adjourned 'till to Morrow Morning Nine a Clock.

Mercurij Die 2. Junij. A. D. 1725.

**A**N Accompt Signed *Edward Winslow*, Amounting to *l.19 18 s.* being for Sundry Expences in the Court-House on His Majesty's Birth-Day.

Read and *Resolved*, That the Sum of *Nineteen Pounds, Eighteen Shillings* be allowed and paid out of the Publick Treasury to *Edward Winslow Esq;* to be by him repaid to the Persons to whom the same is due in full discharge of said Accompt. Sent up for Concurrence.

*Whereas this House is informed that the last Impression of the Laws of the Province is out, and not any of the Law Books to be had of the Stationers compleat, and it being necessary that the several Towns within the Province should be furnished with the Laws, and several of the New Towns being destitute of them, [ 15 ] and for want thereof it can't be thought that they can know how to govern themselves and their Affairs.* Wherefore

*Voted*, That there be a New Impression of the Laws now in Force made as soon as may be. Sent up for Concurrence.

A Petition of Major *Thomas Tilestone*, Representative of and in behalf of the Town of *Dorchester*, shewing that the said Town in the Months of *November* and *December 1724*. Granted Two Taxes of *l.131* part of which, viz. *Twenty Four Pounds Nineteen Shillings* should have been Collected by *Samuel Scott* late Constable of said Town, which said *Scott* with others of the Westermost part of the Town of *Dorchester*, were set off by this Court the last Year and annexed to the Town of *Wrentham*, but the said *Scott* hath not Collected any part of the said Sum of *l. 24 19s.* praying that as the said Town is without Remedy as to the having said Sum Collected, that this Court would afford them such relief in the Premises as shall be consistent with Justice. Read,

And in Answer to this Petition *Ordered*, That *John Rhodes* one of the present Constables or Collectors of *Dorchester*, be impowered and directed to Collect and gather the Tax or Rate made by the Assessors for the last Year, and sent to *Samuel Scott* the late Constable of that Town, of the Inhabitants and Persons in the List named now belonging to *Dorchester*, any Omission or Neglect notwithstanding, the Town making due Allowance therefor.

Sent up for Concurrence.

*Ordered*, That Mr. *Lindall* and Mr. *Rayment* go with a Message to His Honour the Lieut. Governour, to desire His Honour would send down Monsieur *Veaudreuil's* Letter, which he received by the Commissioners that went to *Canada*. *Symonds Epes Esq;* brought down the said Letter Translated into English. Read.

*Joseph Hammond Esq;* brought down the Petition of *Jonas Howton, Joseph Baxter*, and sundry other Inhabitants of *Medfield*, &c. with the Vote of the House thereon as Entred the 29th. of *May*, pass'd in Council, viz. In Council



June 1st. 1725. Read and Concurr'd with the Amendments — dele — *The Petitioners be allowed at their own Cost and Charge to take a Survey of the Lands Petitioned for* — and add — *John Chandler Esq; with two Chain Men under Oath be directed to Survey the Lands Petitioned for at the Charge of the Province.* — Dele — *They* — and add — *He.*

Sent down for Concurrence. Read and Concurred.

An Accompt of sundry Persons for guarding the Commissioners that went to *Canada* from *Housitonick* to *Westfield*, and sundry Posts and Expresses sent in the Service of the Province in the County of *Hampshire*, the said Service being certified.

Read and committed to the Committee for Muster Rolls.

A Memorial of *Christopher Sitton* a Soldier in His Majesty's Service at *Fort Dummer*, shewing that he was impressed sometime in the Year 1722. posted at *Northfield*, under Capt. *Kellogg*, and afterward removed to *Fort Dummer*, where he was employed in building the said Fort, (being a Carpenter by Trade) and by hard Service, Scouting and Labour, was reduced to a very low state of Health, and to recover his lost Health, he was advised by the Doctors to remove to the Sea side, and obtained a Furlow from his Captain accordingly, that the Expence he was at in his Recovery amounted to *l. 69s. 11d.* praying that the said Sum may be reimbursed him out of the publick Treasury for the Reasons therein mentioned. Read, and

*Resolved*, That the Sum of *Six Pounds Nine Shillings and Eleven Pence* be allowed and paid out of the publick Treasury to the said *Christopher Sitton* in full discharge of the Expence within mentioned. Sent up for Concurrence.

Mr. Treasurer *Allen* was admitted into the House, and presented his Accompt of the Province from *May 30th 1724*, to *May 30th 1725*. An Accompt of the Stores and Provisions belonging to the Province, his Accompt of Cloathing, Provisions, Disbursements and other Necessaries for His Majesty's Forces Eastward and Westward, and other incidental Charges for His Majesty's Service, from *November 11th 1724*, to *May 26th 1725*. and also an Accompt of sundry of the Province Stores for which he gives the said Accompt Credit, the Ballance of the said Accompt of Disbursements for Cloathing, &c. as aforesaid, being *l. 10158 5s.* And also an Accompt of the present state of the Treasury: All which he laid on the Table and withdrew. The said Accompts were read, and thereupon

*Ordered*, That Mr. *William Clark*, Capt. *Church*, Mr. *Lindall*, Mr. *Shove*, Mr. *Phillips*, Mr. *Pyncheon*, and Capt. *Goddard*, be a Committee to whom is referred the Accompt of the Province, presented by Mr. Treasurer *Allen*, that they take the same under their Con-[16]sideration, and upon their Auditing of it, that they make Report of their Opinion of what may be proper for the Court to pass thereon.

Col. *Stoddard* from the Committee for Petitions reported on the Accompt of *Rachel Lund* as entred the 28th of *May*, which was Read and Accepted, and thereupon

*Resolved*, That the Sum of *Twelve Pounds Sixteen Shillings* be allowed and paid out of the publick Treasury to *Rachel Lund* the Accomptant in full discharge thereof. Sent up for Concurrence.

### Post Meridiem.

A Petition of *Margaret Armstrong* (Mother, and *William Clagget*, Brother in Law and) Guardians to *Matthew Armstrong* of *Rhode-Island*, being an impotent Person, upwards of Twenty Eight Years of Age, shewing that the said *Matthew Armstrong* has for many Years been followed with Convulsion Fits, which has bereaved him of his Senses, and has not wherewithal to support himself, and he having an Interest with the said *William's* Wife and other the Heirs of *Matthew Armstrong* late of *Boston* deceased, in a certain Dwelling House and Land in Middle Street *Boston*, which is much out of Repair, and an Opportunity presenting for Sale of said Land to good Advantage, praying the Wise and Just Consideration of this Court, that they would Authorize and Impower the Petitioners to make Sale of the said *Matthew Armstrong's* Interest with their own in the said Housing and Land, the said *Matthew's* part thereof to be applied for his necessary Support. Read & sent up.

A Petition of *John Adams*, *John Dennett*, and Seventy two others Inhabitants of *Kittery* and *Berwick*, praying for a Grant of a Tract of Land lying at the Head of *Berwick* in the County of *York*, beginning at *Salmon Falls* River, and so running ten Miles in breadth from said River, the same course that the head of *Berwick* runs, and to extend ten Miles back from *Berwick* on *Salmon Falls* River, till the Quantity of ten Miles square be compleated, in order to make a Settlement of a new Township for the Reasons therein mentioned. Read and referred to the next *May* session for further Consideration.

An Accompt signed *Samuel Checkley* County Treasurer for the County of *Suffolk*, Dated at *Boston* April 21. 1725. was presented for Allowance. Read and Accepted and *Ordered*, That this Accompt be allowed. Sent up for Concurrence.

A Muster Roll of the Company in His Majesty's Service under the command of Lt. Col. *Johnson Harman*. Read and committed to the Committee for Muster Rolls.

*John Turner* Esq; brought down a Memorial of *Nathan Wickett* & *Zecheus Wickett* Indians of *Bridgewater*, Setting forth that they have formerly Petitioned the General Court for Liberty to make Sale of their Land called *Oyster-Island* Scituate lying and being in *Barnstable*, but have not as yet had the favour of

the Court therein, and praying that this Court would please of their great Wisdom to direct and order the selling of the said Land, and that some suitable Persons may be appointed to oversee the Affair, that Justice may be done the Petitioners in the Sale, for the Reasons therein given. Pass'd in Council, *viz.* In Council *June 2d.* 1725. Read, And *Ordered*, That the Justices of the Inferiour Court of Common Pleas for the County of *Plymouth* be desired to inquire into the Quantity of the Land mentioned in the Petition, and the Value and Yearly Profits thereof, as also to adjust and settle the Accompts of the Petitioners Debts, and more especially the Demand of *Daniel Parker* Esq; and to consider the Circumstances of the said Indians, and how they may be supported if the *Island* should be Sold, and make report of their doings thereon to this Court at the next Fall Session. Sent down for Concurrence.

Read and Concurr'd. Sent up.

*Ordered*, That a Message be sent up to the Honourable Board by Capt. *Wells*, to inquire whether any thing be likely to come down this Afternoon. Who returned, that the Board informed him they would send something down presently.

*Penn Townsend*, *John Cushing*, and *Adam Winthrop* Esqrs; brought down the Report of the Committee appointed to consider of that part of His Honour's Speech which relates to the War, Signed by Order of the Committee, *William Tailer*. Pass'd in Council, *viz.* In Council *June 2d.* 1725. Read and *Ordered*, That this Report be Accepted with the Amendment. Sent down for Concurrence.

A Petition of Capt. *Richard Bourne*, shewing that by Order of His Honour the Lieut. Governour, he hath at great Charge Inlisted One Hundred Indians into His Majesty's Service, not only Able of Body but well inclined to serve His Majesty against the Indian Enemy; for which he thinks he deserves the Sum of *One Hundred Pounds*, praying that the said Sum may be allowed him, or what shall be accounted his just due, to reimburse him for his Charge, and satisfy him for his Trouble.

Read and committed to the Committee for Petitions.

Then the House adjourned 'till to morrow Morning Nine a Clock.

# VOTES

## Of the House of Representatives.

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Jobis Die 3. Junij A. D. 1725.

A Message from the Board by *Paul Dudley Esq*; That the Board desire to speak with the Representative of the Town of *Mendon*.

Ordered, That Mr. *John Browne* Representative of the Town of *Mendon*, have leave to go up to the Honourable Board.

A Bill Entitled, *An Act for Granting unto His Majesty several Rates and Duties of Impost and Tunnage of Shipping*. Read a Second Time.

The Report of the Committee of War, Read again, and the House entred into the Consideration of some part thereof.

### Post Meridiem.

A Muster-Roll of the Sloop *George*, *David Franklyn* Master, a Transport in His Majesty's Service Eastward, from the 15th. of *November* to the 29th of *May* last.

Read and committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Josiah Willard* of *Turkey-Hill*. Read and committed to the Committee for Muster-Rolls.

A Petition of Capt. *Josiah Willard*, praying that he may be allowed to receive Captains Wages, in consideration of his Officiating as Commissary to the Company of Men under his Command; and for other Reasons mentioned in the Petitions.

Read, and the Question was put, *Whether the Prayer of the Petition be Granted?*

It pass'd in the Negative.

The Report of the Committee of War. Read again, and the House debated largely thereon.

According to the Order of the Day the House entred into the Consideration of the Petition of *Joshua Bayley*, *James Sanders*, and others, Select-Men of the Town of *Haverhill*, the Petitioners and the Adverse Parties were admitted into the House, and were fully heard on the Petition, and then withdrew: And Mr. *John Sanders* who was returned Representative for the Town of *Haverhill* did also withdraw. And the House having debated on the Petition, and considered the Pleas and Argument of the Persons Notified. The following Question was put, *viz. Whether the Return on the Precept sent to Haverhill for the Choice of a Representative be legally Certified?* It pass'd in the Negative.



Then the Question was put, *Whether Mr. John Sanders who is returned Representative for the said Town of Haverhill, sits right in this House?*

It pass'd in the Negative.

In the House of Representatives, *June 3d. 1725.*

*Whereas at the Anniversary Town-Meeting in the Town of Haverhill, Held in March last, there hapned to be two contending Parties who Assembled in the Meeting-House on the Second Day of the said Month, being the Day appointed by the Select-Men of the said Town for the last Year, and did then & there Choose two Setts of Town Officers, as Town-Clerk, Town-Treasurer, Select-Men, &c. for the Year Currant, whereby great Difficulties have arisen in the said Town, and considerable Expence occasioned in the Law, and it is to be feared that no good Order or Government can be supported or Maintained, unless some speedy Care be taken to prevent those Disorders,*

For Prevention whereof, and to put an end to the said Strife:

It is *Ordered* and *Resolved* by this Great and General Court, and by the Authority thereof, That *Joshua Swann* and *Robert Peaslee* the Constables of the Town of *Haverhill* for the Year 1724. be and hereby are directed and required to Notify [ 18 ] and warn the Freeholders and other Inhabitants of the Town of *Haverhill*, qualified by Law, to assemble and convene at the Meeting-House in *Haverhill*, on Wednesday the Ninth Day of this Instant *June* at ten of the Clock before Noon, then and there to choose all Town Officers which the Law directs and requires Towns to choose in the Month of *March* annually, and that the said *Swan & Peaslee* make Return of their doings to the *Moderator* hereafter named, one Hour at least before the Time appointed for the Town-Meeting, and that the Honourable *John Turner* Esq; be desired to be present at the said Meeting, and he is hereby impowred to *moderate* the Affairs thereof, and to take Care that the same be orderly managed, and that no other Person be allowed to Vote there but such as are lawfully qualified. And that the aforesaid Meetings held the second Day of *March* aforesaid, and all the Proceedings and Votes of each Party be and hereby are declared null & void, and of none Effect, any Law, Usage or Custom to the contrary in any wise notwithstanding, and the Charge to be born as this Court shall order.

Sent up for Concurrence.

*Benjamin Lynde* Esq; brought down a Journal of Col. *Edmund Goffe* while he was in command of the Forces Westward last Year. Read.

*Joseph Hammond* Esq; brought down the Petition of *Samuel Clap*, *Jonathan Randall* and Seventy others, Inhabitants of *Scituate*, praying that a Tract of four or five Thousand Acres of Land, assigned by said Town of *Scituate* for a perpetual Common, may be ratified and confirmed for a perpetual Common

and not to be divided at all, as entred the 24th of *November* past, with the Answer of the Town of *Scituate* to the said Petition, and also another Petition signed *Peter Collamer, Joseph Cushing, Nicholas Lechfield* and *David Little* in behalf of themselves and sundry others Inhabitants of *Scituate*, shewing that they have something further to observe to this Court than what was contained in their former Petition for confirming the said Lands for a perpetual Common, and praying that before any Order passes on their former Petition, they may be favoured with a Hearing for maintaining the same before this Court, passed in Council, *viz.* In Council *June 3d 1725.* Read and *Ordered*, That a Hearing be had on this Petition, and the Petition referred to herein, upon Friday the Eleventh Instant, and that the Petitioners notifie *John Cushing Esq;* Agent for the Town of *Scituate* thereof.

Sent down for Concurrence.                      Read and concurred.

Then the House Adjourned 'till to Morrow Morning Nine a Clock.

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*Veneris Die 4. Junij. A. D. 1725.*

**O***Ordered*, That a Precept be issued out under the Hand and Seal of the Speaker, directed to the Select Men of the Town of *Haverhill*, who shall be chosen at the Meeting appointed by this Court, to be held on the ninth of this Instant *June*, requiring and directing them in His Majesty's Name to assemble the Freeholders and other Inhabitants qualified by Law to Vote, to choose a Representative for them in this present Great and General Court or Assembly, and that the said Select Men be directed and required to make Return of the said Precept with their doings thereon, upon the 10th Day of this Instant *June*.

A Petition of Lieut. *John Larrabee* Victualler of his Majesty's Garrison at Castle *William*, praying the consideration of his contracting for Victualling the said Garrison may be raised and augmented for the Reasons therein mentioned.

Read and committed to the Committee for Petitions.

*Spencer Phipps Esq;* brought down the Vote for assembling the Town of *Haverhill* to choose Town Officers, as entred last Night, passed in Council, *viz.* In Council *June 4th 1725.* Read and concurred with the Amendment, *viz.* dele — the Honourable *John Turner Esq;* and add, *Richard Kent Esq;*

Sent down for Concurrence.                      Read and concurred.                      Sent up.

Mr. *Lewis* from the Committee for Muster Rolls, reported, *viz.*

On the Muster Roll of the Sloop *George*, *David Franklyn* Master, a Transport Eastward, as entered yesterday, which was read and accepted, and thereupon [ 19 ]

*Resolved*, That the Wages and Sloop-Hire, be allowed and paid out of the publick Treasury accordingly.                      Sent up for Concurrence.

On the Muster-Roll of Lieut. *Allason Brown*, as Entred the 1st Currant, which was Read and Accepted,                      And

*Resolved*, That the Wages thereof be allowed and paid out of the publick Treasury accordingly. Sent up for Concurrence.

On the Accompt of Disbursements of the said Lieut. *Brown*, which was Read and Accepted, and *Resolved*, That the Sum of *Thirty Six Shillings & Six Pence* be allowed and paid out of the publick Treasury to the Accomptant Lieut. *Allason Brown* in full discharge thereof. Sent up for Concurrence.

On the Muster Roll of Capt. *Josiah Willard* of *Turkey-Hill*, as entred Yesterday, which was Read and Accepted. And

*Resolved*, That the Wages and Subsistence thereof be allowed and paid out of the publick Treasury accordingly. Sent up for Concurrence.

Major *Gorham* Excus'd for Absence to this Time, for the Reasons he gave to the House.

Mr. *Clark* from the Committee to whom was referred Mr. Treasurer *Allen's* Accompts, reported, that they had attended the Order of the House and performed that Service, and find that Mr. Treasurer's Accompts are right cast and well vouched.

Whereupon the following Vote passed, *viz.*

The Accompts of *Jeremiah Allen* Esq; Treasurer and Receiver General of the Province of the *Massachusetts-Bay* in *New England*, beginning the 30th of *May 1724*, and continued to the 31st *May 1725*. amounting to the Sum of *One Hundred Forty nine Thousand Six Hundred Seventy five Pounds Eight Shillings and Two Pence half Penny*, having been presented and laid before the House of Representatives, and inspected by said House, by which it appears that there was outstanding the 31st of *May 1725*, *Five Thousand Six Hundred Seventy four Pounds Eight Shillings and Four Pence* of the Taxes, *Forty Eight Thousand Seven Hundred & Nineteen Pounds* of the *l. 50,000* Loan, *Twenty Eight Thousand Seven Hundred Forty two Pounds and Six Pence half Penny* neet Province Bills, in the Treasury further to be accounted for.

*Voted*, That the said Accompts in the several Articles of Receipts and Payments therein mentioned, amounting to the Sum of *Sixty Six Thousand Five Hundred Thirty nine Pounds Nineteen Shillings and Four Pence* be and hereby are allowed of, and the said Treasurer is hereby discharged of the said Sum of *Sixty Six Thousand Five Hundred Thirty nine Pounds Nineteen Shillings and Four Pence* accordingly.

Sent up for Concurrence.

The House according to the Order of the Day proceeded to proportion the several Towns of the Province to a Tax of *One Thousand Pounds*.

Mr. Speaker communicated a Letter received from Mr. Agent *Cooke*, dated *London April 10th 1725*. respecting the publick Affairs of the Province at the Court of *Great Britain*. Read.

A Petition of *Hannah Lovewell* Relict of Capt. *John Lovewell* late Captain of a Company of Volunteers, shewing that her said Husband before his last March

against the Indian Enemy, bought two Hogsheads of Bread and other Provisions, with six Canoes and Ammunition to supply his Company, but as it has pleased GOD in His holy Providence to suffer the Petitioner's Husband with some others to fall in the Day of Battle by the Indian Enemy, so that it is impracticable for the Petitioner to know who the said supplies were delivered to, and consequently who is chargeable to the Estate of her said Husband, which is accountable for the Supplies purchased, praying that this Court would please to make her Allowance out of the publick Treasury, to pay for the said Supplies, and that as His Honour the Lieutenant Governour was pleased in His Speech to recommend the Petitioner's Case as well as the other Widows who were bereaved of their Husbands in the aforesaid Action, that this Court would please to bestow on her as to them of their Bounty and Goodness shall seem best, on which she relies. Read. And in Answer to this Petition,

*Resolved*, That the Sum of *Twenty Pounds* be allowed and paid out of the publick Treasury to the Administrator on the Estate of Capt. *John Lovewell* deceased, *Eight Pounds* thereof being for Six Canoes provided for his Company, *Three Pounds* [ 20 ] *Two Shillings* for Ammunition to the Company and Carriage of Stores, the remaining *Eight Pounds Eighteen Shillings* being for Two Hogsheads of Bread supplied the Company, said Administrator repaying to the Administrators of Lieut. *Josiah Farwell*, and Ensign *Jonath. Robins*, what the said *Farwell* and *Robins* did advance in part for the Bread and Carriage thereof to *Dunstable*; and that a particular Consideration of the Widow *Lovewell* and her Families Circumstances be had when the Court shall take Notice of the Extraordinary Service of Capt. *Lovewell* & Company in the late Action at *Piggwackett*. Sent up for Concurrence.

A Bill Entitled, *An Act for Apportioning and Assessing a Tax of Twenty Thousand Pounds*. Read a second Time.

*Penn Townsend* Esq; brought down a Letter from Col. *Eleazer Tyng*, Dated at *Dunstable*, *June 3d. 1725*. Giving an Account of his late March to *Piggwackett*, which His Honour thought proper to Communicate. Read.

### Post Meridiem.

A Muster-Roll of the Company in His Majesty's Service at Fort *Mary* at *Winter-Harbour*, under the Command of Capt. *Samuel Hinckes*, with several Accompts of Disbursements for the Service of the said Fort.

Read and committed to the Committee for Muster-Rolls.

*Joseph Hammond* Esq; brought down the Petition of *Margerett Armstrong* Widow, Mother, and *William Clagget* Brother-in-Law, and Guardians to *Matthew Armstrong* of *Rhode-Island*, being an impotent Person, upwards of Twenty-Eight Years of Age, as entred the Second Currant, Pass'd in Council, viz. In Council *June 4th. 1725*.



Read and *Ordered*, That the Prayer of the Petition be granted, and that the Petitioners be and hereby are impowred to make Sale of the House and Land mentioned in the Petition, and to give a good and sufficient Deed or Conveyance for the same, Any Law, Usage or Custom to the contrary notwithstanding, Provided the Petitioners or either of them, give Sufficient Security to the Treasurer of the Town of *Boston* and his Successors in the said Office to apply *Matthew Armstrong's* part of the Money that shall be paid for the said House & Land to his Maintenance, and to indemnify the said Town of *Boston* from any Charge for his Support for the Time to come. Sent down for Concurrence.

Read and Concurr'd.

*Adam Winthrop* Esq; brought down the Report of the Committee of both Houses, appointed to repair to the South Precinct in *Brantrey*, on the Petition of *Benjamin Hobbart & Nathaniel Thayer*, and sundry other Inhabitants of the said Precinct, the Committee to consider of the Circumstances of the several Parts of said Precinct and Scituation of the Meeting House. Signed by Order of the Committee,

*William Tailer.*

Pass'd in Council, *viz.* In Council *June 4th.* 1725. Read and *Ordered*, That this Report be Accepted. Sent down for Concurrence.

Read and Concurr'd.

A Message from the Board by *Samuel Thaxter* Esq; that the Board desire to speak with Capt. *Samuel Bullard* the Representative of the Town of *Scherbourn*.

*Ordered*, That Capt. *Bullard* have Leave to go up to the Board.

A Petition of Mr. *Westwood Cook*, Representative of the Town of *Hadley*, shewing that the said Town is very much expos'd by reason of the War, and have no Soldiers for their Defence save Thirteen Men of the Colony of *Connecticut*, that they have been forced to Scout, and Guard their Fields themselves, and have been at great Charge in Watching, Warding and Fortifying their Houses, and have had only *Ten Pounds* allowed them, praying that the Pay of Six Men as a Scout, may be allowed them from the 20th of *June* to the 30th of *September* last, for the Reasons therein mentioned. Read,

And the Question was put, *Whether the Prayer of the Petition shall be Granted?* It pass'd in the Negative.

*John Turner* Esq; brought down a Petition of *Thomas Debuke* of *Boston*, praying as entred the 11th of *December* last, and referred to this Session, As also [ 21 ] the Answer of *Samuel Bascomb* thereto, Pass'd in Council, *viz.* In Council *June 2d.* 1725. This Petition was Read again, together with the Answer of *Samuel Bascomb*, and the same being fully considered, *Ordered*, That the Petitioner be and hereby is Authorized & Impowred to have a Tryal by a Jury of the Two Appeals mentioned in the Petition at the next Superiour Court of Judicature to be held at *Springfield* for the County of *Hampshire*, and that

the Justices of the said Court be impowred and directed to hear and determine the same accordingly, and further *Ordered*, That Execution on the Judgments in the said Causes, as also on the Judgment obtained by the Petitioner against the said *Bascomb* (which is referr'd to in his Answer) be suspended 'till the Issue of the said Tryals. Sent down for Concurrence.

Read and Concurr'd.

A Petition of *Rebeckah Collins* Relict Widow and Administratrix to the Estate of *Daniel Collins* late of *Boston*, Deceased, Shewing that one *Eleazer Collins* late of *Lynn* Deceased, gave a Deed to the said *Daniel Collins* his Heirs and Assigns for ever, of a certain Dwelling-House & Barn, &c. in *Lynn*, and the said *Daniel Collins* by an Instrument under his Hand and Seal obliged himself and his Heirs, &c. upon a certain Condition to deliver the said Deed to the said *Eleazer Collins*, and notwithstanding the said *Eleazer Collins* has performed the said Condition, yet the Deed being put on Record in the County of *Essex*, and both Parties being Dead, the Heirs of the said *Eleazer Collins* will be unavoidably damaged by the said Deed without the relief and assistance of this Court, praying that she may be impowred to Execute a good Deed of the Premises to the Heirs of the said *Eleazer Collins*, Pass'd in Council, *viz.* In Council *June 4th. 1725.* Read and *Ordered*, That the prayer of the Petition be Granted, and that the Petitioner be and hereby is fully impowred to Execute a Deed for the re-conveyance of the Dwelling-House Barn and Land as mentioned in the Petition. Sent down for Concurrence. Read and Concurr'd.

A Petition of *Jacob Wilds*, a Soldier in the Service of this Province, praying he may be allowed the Sum of *l. 3 l. s. 6d.* for so much he Expended of his own Money while he was Sick in the Service, Certified by Lt. Col. *Harman*, and the Doctor that administred to him in his Sickness. Read, and

*Resolved*, That the Sum of *Three Pounds One Shilling & six Pence*, be allowed and paid out of the publick Treasury to Mr. *John Howlett*, to be by him repaid to the said *Jacob Wilds* for the Charge of his Sickness within-mentioned. Sent up for Concurrence.

An Accompt Signed *Ebenezer Lewis*, County Treasurer for the County of *Barnstable* for the Year 1724. was presented for Allowance. Read and Accepted,

And *Ordered*, That this Accompt be allowed. Sent up for Concurrence.

An Accompt Signed *Daniel Simpson*, County Treasurer for the County of *York*, for the Year 1724. was presented for Allowance. Read & Accepted,

And *Ordered*, That this Accompt be allowed. Sent up for Concurrence.

A Petition of *William Ayer*, shewing that he Inlisted as Surgeon to the Company of Voluntiers under the Command of Capt. *John Lovewell*, that he faithfully discharged his Duty in that Capacity in the said *Lovewells* two last Expeditions against the Indian Enemy, and that he Expended about *Eight Pounds*

upon the Sick and Wounded, that he received some Encouragement for Surgeons Pay when he Inlisted into the Service, and praying that the same may be allowed him out of the publick Treasury, for the Reasons mentioned in the Petition. Read and committed to the Committee for Petitions.

A Petition of *Richard Cutt* of *Kittery*, shewing that in an Engagement with the Indian Enemy in *July* last on Board a Schooner under the Command of Dr. *George Jackson*, he received a Shot from the Enemy in his left Side, which [ 22 ] went through his Body, and that he has been at the Expence of *Sixty Pounds* for Doctors, Medicines, Nurses, Attendance, and other Charges, to get cured of the said Wound, praying that the said Sum may be allowed him out of the publick Treasury, for the reasons mentioned in the Petition.

Read and committed to the Committee for Petitions.

*Ordered*, That Col. *Stoddard*, Mr. *Lewis*, Mr. *Lindall*, Mr. *Remington*, and Major *Quincy*, be a Committee to project and prepare a proper Resolve for Supply of the Treasury, and the time for drawing in the Sums to be Emitted, and make Report thereon.

*Resolved*, That in Consideration of the Towns of *Arundell* & *Biddeford* being reduced to low Circumstances by reason of the present Indian War, and sundry Soldiers being posted therein for their Security and Defence, and no Chaplain being allowed to the Forces there, the Sum of *Forty Pounds* be allowed and paid out of the publick Treasury to the Select-Men of the Town of *Arundell*, for the Supporting and Maintaining the Preaching the Gospel at *Arundell* and *Biddeford*, The Gentleman that performs said Service to Preach Alternately on the Lords-Days, at the Towns of *Arundell* and *Biddeford*, if the Weather will permit. Sent up for Concurrence.

An Accompt of Subsistence for Thirteen Men of the *Connecticut* Soldiers in the County of *Hampshire*, Commanded by Capt. *Goodrich* for One Week in *July* 1724. Read and committed to the Committee for Muster-Rolls.

Then the House adjourned 'till to morrow Morning Nine a Clock.

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**Sabbati Die 5. Junij, A. D. 1725.**

**V***Oted*, That *Jonathan Remington* Esq; have Leave to Attend the Inferiour Court of Common Pleas to be Held at *Cambridge* for the County of *Middlesex*, next Week.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, *viz.*

On the Muster-Roll of the Company in His Majesty's Service at Fort *Mary*, under the Command of Capt. *Samuel Hincks* as entred Yesterday, which was Read and Accepted, And *Resolved*, That the Sum of *One Hundred & Fourteen Pounds, Twelve Shillings & nine pence*, be allowed and paid out of the publick Treasury to the Officer and Soldiers born on the within Roll to whom

the same is due in full discharge of the Wages thereof. Sent up for Concurrence.

On the Accompt of *Richard Smith* for the Supplying Fort *Mary* with Fifty Cords of Wood, at *Seven Shillings* per Cord, Which was Read and Accepted, And

*Resolved*, That the Sum of *Seventeen Pounds Thirteen Shillings & six Pence*, be allowed and paid out of the publick Treasury to Capt. *Samuel Hincks* according to the desire of the Accomptant, in full Discharge thereof.

Sent up for Concurrence.

On the Accompt of *Pendleton Fletcher* for Repairs at Fort *Mary*, which was Read and Accepted, And *Resolved*, That the Sum of *Thirty Shillings* be allowed & paid out of the publick Treasury to Capt. *Samuel Hincks*, in full discharge of the within Accompt. Sent up for Concurrence.

On the Muster-Roll of Lt. Col. *Johnson Harman*, as entred the 2d. Currant, which was Read and Accepted, And *Resolved*, That the Wages be allowed and paid out of the publick Treasury to discharge the said Roll accordingly.

Sent up for Concurrence.

The Report of the Committee appointed to take under Consideration that part of His Honour's Speech, which relates to the War, brought down, pass'd in Council. viz. In Council *June 2d. 1725.* Read and *Ordered*, That this Report be Accepted with the Amendments. Sent down for Concurrence.

Read and Concurr'd as Amended.

Then the House Adjourned till Tuesday next Three a Clock Afternoon.

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# VOTES

## Of the House of Representatives.

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*Martis Die 8. Junij A. D. 1725.*

**A** Petition of Mr. *Hugh Henry* Minister at *Scarboroughh*, praying that he may be allowed to receive the Sum of *Twenty Pounds* out of the publick Treasury for his Encouragement to live among the necessitous People there, (they being reduced to low and contracted Circumstances,) for the Reasons mentioned in the Petition, he having received a Bounty of this Court of *Twenty Pounds* for the Year 1722, and the like Sum for the Year 1723. Read and committed to the Committee for Petitions.

A Message from the Honourable Board by *Symonds Epes* Esq; That the Board desire to speak with *John Ashley* Esq; a Member of the House.

*Ordered*, That *John Ashley* Esq; have Leave to go up to the Honourable Board.

A Precept sent to the Town of *Falmouth* in the County of *York* for the Choice of a Representative was Returned and Certified by the Select-Men of the said Town, that they had Assembled the Freeholders and other Inhabitants therein qualified to Vote, who on the Tenth Day of *May* last did elect and depute Major *Samuel Moody* to Serve for and Represent them in this Great & General Court or Assembly.

*Ordered*, That *Henry Phillips* Esq; go up to the Honourable Board with the said Major *Samuel Moody*, that he Take and Subscribe the Declaration, and Take and Subscribe the Oath of Abjuration, as by the ROYAL CHARTER of this Province is directed, which was done by him, and then he took his Place in the House.

*Voted*, That His Honour the Lieut. Governour be desired to give His Orders to the Commanding Officers of any Party or Company of Voluntiers to dismiss any Man or Men that they shall find incapable or unfit for the Service, and that if the said Voluntiers on their Return from any March do not intend another, then their Pay to cease on their Arrival at their respective Homes, but if they proceed to another March, then and in that Case they shall be allowed for their fitting out again a sufficient time not exceeding Fifteen Days. Sent up for Concurrence.

An Accompt Signed *Daniel Powning*, amounting to the Sum of *l.117 19s.* for Charges in looking after the Powder-House in *Boston*, a Years Trouble for himself as Keeper of the same included, the Ballance of which Accompt being in his favour the Sum of *l.29 2s. 1d.* Read, And

*Resolved*, That the Sum of *Twenty Nine Pounds Two Shillings & one penny* be allowed and paid out of the publick Treasury to Mr. *Daniel Powning* in full discharge of said Accompt ending the 1st of this Instant *June*. Sent up for Concurrence.

A Muster Roll of the Company in His Majesty's Service under the Command of Capt. *Joseph Kellogg* at *Northfield*.

A Muster Roll of the Company in His Majesty's Service Eastward under the Command of Capt. *John Grey*.

Two Muster Rolls of a Company of Voluntiers in His Majesty's Service under the Command of Capt. *John White*.

A Muster Roll of the particular Company in His Majesty's Service Eastward under the Command of the Honourable Col. *Thomas Westbrook* Captain.

A Muster Roll of the Company in His Majesty's Service under the Command of Capt. *Joshua Moody*.

A Muster Roll of the Company in His Majesty's Service under the Command of *John Lane* Lieutenant, Signed by *David Tylor*.

All Read and committed to the Committee for Muster Rolls. [ 24 ]

A Petition of *David Tylor* and Twelve others, Soldiers in His Majesty's Service Eastward, late under the Command of Lt. *John Lane*, shewing that the said *John Lane* has by Forged and Counterfeit Orders in their Names, drawn upon the Treasurer, and taken up their Pay and Wages due to them for their Service in the Muster Roll made up the last Session of this Court, whereby they are defrauded of their Pay, praying the Compassionate Consideration of this Court for such Relief as in their Wisdom shall seem meet.

Read and committed to the Committee for Muster Rolls.

A Muster Roll of the Company in His Majesty's Service under the Command of Capt. *Jeremiah Moulton*. Read and committed to the Committee for Muster Rolls.

*Paul Dudley* Esq; brought down the Report of the Committee respecting the further Prosecution of the War. Sent up the 5th Currant, Pass'd in Council, viz. In Council *June 8th. 1725*. Read and Concurr'd with the Amendment. Sent down for Concurrence. Which Report was Accompanied with a Verbal Message from His Honour the Lieut. Governour, respecting the Detached Forces and Voluntiers that shall Inlist into the Service.

*Adam Winthrop* Esq; brought down a Journal of Col. *Eleazer Tyng*, and also a Journal of Capt. *John White*, of their Proceedings in their late March to *Pigg-wackett*.

Read.

An Accompt of Expences of sundry Persons that waited on the Commissioners to *Canada*, amounting to *l.6 8s. 6d.* Read and committed to the Committee for Muster Rolls.

An Accompt of Col. *Stoddard* for sundry Expresses in the Service of the Province, amounting to 14 2s. part of which was omitted in a former Accompt.

Read and committed to the Committee for Muster Rolls.

An Accompt of Dr. *Ebenezer Allen* for his Service as Surgeon to the Forces Eastward, from *December* to *May* 22d. last, at 1.8 per Month, amounting to 1.49 2s. 10d. Examin'd by Mr. Treasurer. Read and *Resolved*, That the Sum of *Forty Nine Pounds, Two Shillings & Ten pence*, be allowed and paid out of the publick Treasury to the Accomptant Dr. *Ebenezer Allen* in full discharge thereof.

Sent up for Concurrence.

An Accompt of *Edmund Mountfort* for his Service at the Eastward in delivering out Provisions and Cloathing to the Forces there from *Novemb.* 25th. to *May* 31st. past, 26 Weeks and 6 days, at 1.7 per Month, Examin'd by Mr. Treasurer *Allen*.

Read and *Resolved*, That the Sum of *Forty Seven Pounds* be allowed and paid out of the publick Treasury to the Accomptant *Edmund Mountfort* in full discharge thereof. Sent up for Concurrence.

Then the House Adjourned 'till to Morrow Morning Nine a Clock.

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*Mercurij Die 9. Junij. A. D. 1725.*

A Bill Entitled, *An Act for Apportioning & Assessing a Tax of Twenty Thousand Pounds.* Read a Third Time. And *Resolved*, That the Bill do pass to be Engross'd. Sent up for Concurrence.

A Petition of the Select-Men of *Tiverton*, praying that some part of their Province Rate or Tax may be abated for the Reasons therein mentioned.

Read and Sent up.

Col. *Stoddard* from the Committee for Petitions, Reported,

On the Petition of Capt. *Richard Bourne* for Raising and Inlisting *One Hundred* Indians, as Entred the Second Currant. Which was Read & Accepted, and thereupon

*Resolved*, That the Sum of *Fifty Pounds* be allowed and paid out of the publick Treasury to Capt. *Richard Bourn* in full Satisfaction for his Trouble and Charge in Inlisting the Indians mentioned in the Petition. Sent up for Concurrence.

On the Petition of Lt. *John Larrabee* Victualler of His Majesty's Garrison at Castle *William*, praying as entred the 4th. Currant. Which was Read & Accepted, and

*Resolved*, That in Consideration of the Prices of Provisions being advanced since the time of the Petitioner's Contract, that there be allowed *Seven Shillings*

per [ 25 ] Week per Man to the said *John Larrabee* for Victualling the Garrison at Castle *William* the Year Currant, beginning *November 22d. 1724.*

Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster Rolls, Reported, On the Muster Roll of the Company of Voluntiers under the Command of Capt. *John White*, as entred Yesterday, which was Read & Accepted. And

*Resolved*, That the Wages be allowed and paid out of the publick Treasury to discharge the Roll accordingly. Sent up for Concurrence.

On an Accompt of billeting Thirteen *Connecticut* Men at *Hadley*, Certified by Capt. *Goodrich*, and Mr. *Westwood Cooke* in *July 1724.* Which was Read and Accepted,

And *Resolved*, That the Sum of *Three Pounds Five Shillings* be allowed and paid out of the publick Treasury to Mr. *Westwood Cooke*, to be by him repaid to the Persons to whom the same is due in full discharge of the Subsistence of the said Men. Sent up for Concurrence.

A Bill Entitled, *An Act for Granting unto His Majesty several Rates and Duties of Impost and Tunnage of shipping.* Read a Third Time. And

*Resolved*, That the Bill pass to be Engross'd. Sent up for Concurrence.

A Petition of *James Watson, Samuel Hall, Simon Gates, and Zerubbabel Eager*, and sundry others Inhabitants of *Concord, Marlborough, Sudbury & Stow*, praying that they may have Liberty to Purchase of the Indian Proprietors, a certain Tract of Land at a Place called *Hassanamisco*, under such Conditions and Limitations as to this Court shall seem meet, for the Reasons therein mentioned. Read. And in Answer to this Petition, *Voted*, That the Petitioners have Liberty granted them by this Court to purchase of the *Hassanamisco* Indians the Land Petitioned for upon the Conditions following, and not otherwise, *That is to say*, That the Sum of *Sixteen Hundred Pounds* proposed for the Purchase of the said Land be paid within *Three Months* from the Date of their Grant unto Trustees to be Appointed by this Court, to be Let out upon good Security, the Proceeds whereof to be Employed & Improved for the Use, Benefit and Behoof of the said Indians, their Heirs and Successors for ever, in such manner as the Great and General Court shall Order and Direct from time to time, and that *Forty* English Families shall be Setled upon the said Land, which Families shall be of the Petitioners, or their Posterity, and no others, exclusive of the Indians and English upon the Spot already, each of which *Forty Families* to build a good habitable House, and Break up and Fence in at least Four Acres of Land within Three Years from the Date hereof, and that within the Space of Three Years as aforesaid, they build and Finish a decent Meeting-House for the Publick Worship of GOD, Suitable and Convenient for the Reception of the People English & Indians. That they Seperate Twenty Acres of Land for a School in the most Convenient place to remain for that Service for ever,



and build a suitable School-House, in which shall be received and taught as well the Indian as English Children. That they set forth to the first Ordained Minister a Lot of Land equal to *their* Alotments, to be his own as soon as he takes Office among them: That they constantly Maintain and duely Support a Minister & School-Master among them. And that all the above Articles shall be without Charge to the Indian Natives, *viz.* Building the Meeting-House and School-House, Setling and Supporting a Minister and School-Master, and likewise that there be reserved to the present Indian Proprietors each of them an equal Dividend in said Land with each of the Purchasers, Part of which Dividend to comprehend their present improved Lands, as also One Hundred Acres to the present Indian Proprietors, their Heirs and Assigns for ever.

Sent up for Concurrence. [ 26 ]

A Petition of Capt. *Josiah Willard* in the Name and behalf of the Inhabitants of *Turkey-Hill*, praying that a Tax may be laid on the Lands belonging to the said Inhabitants for the Support of the Ministry there, for the Reasons therein mentioned. Read, And the Question was put, *Whether the Prayer of the Petition shall be Granted?* It pass'd in the Negative.

A Petition of *John Sheffield* of *Tiverton*, shewing that one *Daniel Howland* of *Tiverton*, brought an Action of Trespass and Ejectment against the Petitioners Father *Amos Sheffield* then of *Tiverton*, at the Inferiour Court of Common Pleas held at *Bristol* in *April* 1709. for recovery of Nine Acres of Land or thereabouts, as set forth and described in the Writ, at which Court the said *Amos Sheffield* recovered Costs, and the said *Daniel Howland* Appealed to the then next Superiour Court of Judicature to be held at *Bristol* in *Septem.* 1709. when the said *Amos Sheffield* being in Her Majesty's Service could not Attend the Tryal, and for want of a proper Defence the former Judgment was reversed, and the said *Daniel Howland* recovered possession of the Land Sued for and Costs of Court, and the Petitioner's Grandmother *Mary Peirce* late of said *Tiverton* Widow and surviving Executrix of the last Will of the said *Amos Sheffield* deceased, in *May* 1712. brought a Writ of Review of the said Plea of Trespass and Ejectment against the Administrators of the said *Daniel Howland*, who was then also deceased, for the reversing of the Judgment of the Superiour Court of Judicature, at the Superiour Court held at *Bristol* in *Sept.* 1712. and the said *Mary Pierce* being then aged and infirm, and the Petitioner in his Non-age, were not able to give their Lawyers full & sufficient Instructions in the Cause, so the Defendants recovered Costs, notwithstanding the Petitioner's Father, the Original Defendant, had an undoubted Right to the said Nine Acres of Land; praying this Court would take the Premises into their wise and just Consideration: And that as the said *Mary Pierce* the Plaintiff, in the last Writ of Review is Dead, that he may be allowed and impowred as he is Executor of the Will of his said Father *Amos Sheffield* deceased, to bring another Writ

of Review at the next Superiour Court of Justicature, against *Mary & Daniel Howland* Administrators on the Estate of the aforesaid *Daniel Howland* deceased, that so he may have a fair and full Hearing of the Case in order to recover Judgment for possession of the said Nine Acres of Lands. And further, that as the said *Mary* and *Daniel Howland* live out of the Province, that the Sheriff of the County of *Bristol* leaving a Copy of the said Writ of Review Fourteen Days before the Sitting of the said Superiour Court with *John Howland* who is the Tenant in Possession of the said Nine Acres may be deemed and declared to be a good Service of the said Writ, or otherwise that the Petitioner may be relieved as to the Wisdom and Goodness of this Court shall seem meet.

Read and *Ordered*, That the Petitioner serve *Mary* and *Daniel Howland* Administrators as aforesaid, with a Copy of this Petition, that they may shew Cause to this Court (if any they have) on Thursday the Seventeenth Day of this Instant *June*, why the Prayer of the Petition should not be Granted.

Sent up for Concurrence.

An Accompt of *Jonathan Houghton*, and *Joseph Wilder* for going Express from *Lancaster* to *Northampton* in the Service of this Province in *March* last, by Order of His Honour the Lieut. Governour, being Sixty Miles, amounting to *l. 3*

Read and *Resolved*, That the Sum of *Three Pounds* be allowed and paid out of the publick Treasury to Mr. *Joseph Wilder*, to be by him paid to whom it is due, in full discharge thereof.

Sent up for Concurrence. [ 27 ]

An Accompt of Mr. *Christopher Tappan*, amounting to *17 s.* for Medicines Administred to *William Chamberlaine*, a Soldier in His Majesty's Service Eastward, taken Sick at *Newbury*, *January 1722*. Certified by Col. *Noyes*. Read, and

*Resolved*, That the Sum of *Seventeen Shillings* be allowed and paid out of the publick Treasury to Capt. *Henry Rolfe* for the Use of the Accomptant, in full discharge thereof. Sent up for Concurrence.

A Memorial of *Nathaniel Woods* in behalf of himself and sundry others, under the Command of the late Capt. *Lovewell*, and left by his Order at the Fort near *Ossipy-Pond* in their late March in quest of the Indian Enemy, praying that some further Allowance may be made for their Service than what has already been Ordered to be paid out of the publick Treasury, for the Reasons mentioned. Read,

And *Resolved*, That the Sum of *Twenty Two Shillings & six pence*, be allowed and paid out of the publick Treasury to *Zechariah Parker*, *John Goffe*, *Isaac Whitney*, *Obadiah Astin*, and *William Ayer* each, making in the whole the Sum of *Five Pounds Twelve Shillings & six pence*, in Answer to the said Memorial.

Sent up for Concurrence.

**Post Meridiem.**

The Report of the Committee of War, brought down last Night, with the Vote of Council thereon. Read. And the Question was put, *Whether the House will Concur with the said Vote of Council?* It pass'd in the Negative.

And *Voted*, That the House adhere to their own Vote with an Amendment.  
Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster Rolls, Reported, *viz.*

On the Muster Roll of the particular Company in His Majesty's Service under the Command of Col. *Thomas Westbrook*, as entred Yesterday. Which was Read and Accepted, And *Resolved*, That the Wages be allowed and paid out of the publick Treasury, according to the said Report. Sent up for Concurrence.

On the Muster Roll of Lt. *John Lane*, as entred Yesterday. Which was Read and Accepted, And *Resolved*, That the Wages be allowed and paid out of the publick Treasury accordingly. Sent up for Concurrence.

On the Muster Roll of Capt. *Jeremiah Moulton*, as entred Yesterday. Which was Read and Accepted, and *Resolved*, That the Wages be allowed and paid out of the publick Treasury according to the said Report. Sent up for Concurrence.

On the Muster Roll of Capt. *Joseph Kellogg*, as entred Yesterday. Which was Read & Accepted, and *Resolved*, That the Wages and Subsistence thereof be allowed and paid out of the publick Treasury according to the said Report.  
Sent up for Concurrence.

A Muster Roll of the Company in His Majesty's Service, under the Command of the Honourable *William Dummer* Esq; &c. Captain, being the Company at His Majesty's Garrison at Castle *William*. Read and committed to the Committee for Muster Rolls.

An Accompt of the Commissioners that went to *Canada* the last Winter, their Expences, Disbursements and Time in that Service for themselves and their Attendants &c. Read & committed to the Committee for Petitions.

An Accompt signed *John Holman* amounting to *l. 16 7s.* for two Journeys to *Sandwich & Barnstable* &c. and other Services for the Province, in *May* last, by Order of His Honour the Lieut. Governour, with a Petition praying Allowance for the same. Read and committed to the Committee for Petitions.

A Petition of *Joseph Bennet* praying he may be allowed *45s. 10d.* so much due to him for Serjeants Pay, in Lieut. *Brown's* Company, from the 11th of *December* to the 5th of *January* last, he being omitted and not entred in said *Brown's* Roll.

Read and committed to the Committee for Muster Rolls.

An Accompt of *John March* of *Newbury*, amounting to *l. 3 10s.* for Nursing, Diet and Attendance on *William Chamberlaine*, a Soldier impressed in His

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Majesty's Service by Col. *Tyng*, to go Eastward, and taken sick in his Way to *Newbury* in *January 1724*. certified by Col. *Noyes*. Read. And

*Resolved*, That the Sum of *Three Pounds ten Shillings* be allowed and paid of the publick Treasury to the Accomptant *John March* in full discharge thereof.

Sent up for Concurrence.

Then the House adjourned 'till to morrow Morning Nine a Clock.

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B O S T O N; Printed by **Bartholomew Green**, and **Samuel Kneeland**,  
Printers to the Honourable House of Representatives. 1725. [ 29 ]



# VOTES

## Of the House of Representatives.

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Jobis Die 10. Junij A. D. 1725.

A Memorial of Capt. *John White*, shewing that he has lately raised a Company of Volunteers, who have made Two Marches against the Indian Enemy, That the Memorialist in raising the said Company of Volunteers, has been at greater Expence than what his Wages have amounted to, he having no more Allowance or Pay than a Private Man of the said Company of Volunteers is Entitled to, praying that as what he did in raising the said Volunteers was with a View and Design to serve the Interest of the Province, that he may have such Recompence and Satisfaction for his said Service, as to the Wisdom and Bounty of this Court shall seem meet.

Read and committed to the Committee for Petitions.

A Report of *John Chandler* Esq; who was Appointed to Survey Nine Acres of Land Petitioned for by *William Jencks* of *Providence* and his Associates, and Granted to them by a Vote of this Court the Eleventh of *December*, 1724. Setting forth that in Pursuance of an Order of the Great and General Court or Assembly, pass'd the Eighteenth Day of the said Month of *December*, he has Surveyed the said Lands, returned a Plat thereof, and done and performed all such things as he was directed and Ordered to do, in and by the abovesaid Vote of the Eighteenth of *December*, pass'd in Council, viz. In Council, *June 4th*. 1725. Read and Ordered, That the Report on the other side be Accepted, and that the Lands mentioned therein be Confirmed to *William Jencks* and his Associates, according to the Survey thereof made and returned by *John Chandler* Esq; Sent down for Concurrence.

Read and Non-Concurr'd.

### Post Meridiem.

*John Wheelwright* Esq; brought down a Petition of *Nathaniel Oliver*, praying Liberty for filing Reasons of Appeal from a Judgment obtained against him by *John Phillips* of *Marshfield* at the Inferiour Court held at *Boston* for the County of *Suffolk*, in *April* 1724. for the Reasons mentioned, as entred the 26th of *November* & 11th. of *December* past, and referred to this Session, which accompany'd an Answer of the said *John Phillips* to the said Petition, & a Replication of the Petition, Pass'd in Council, viz. In Council, *June 9th*, 1725. Read again, together with the Answer of *John Phillips*, and the Petitioner's Replication, and the same being fully Consinered, Ordered, That the Petitioner have a Tryal of his

Appeal at the next Superiour Court of Judicature for the County of *Suffolk*, He filing his Reasons of Appeal according to Law, and giving seasonable Notice thereof to the Adverse Party, and the Justices of the said Court are impowred and directed to hear and determine the said Appeal accordingly, Any Law, Usage or Custom to the contrary notwithstanding: The Petitioner to pay the Costs in the Cause hitherto. Sent down for Concurrence. Read and Concurr'd.

A Petition of *John Ingals* of *Andover*, late a Soldier in the Service of this Province under the Command of Lt. Col. *Harman*, praying that he may be allowed the Sum of *Two Pounds Twelve Shillings*, for so much he was obliged to pay Dr. *Nicholas Noyes* for his Attendance and Medicines administred to him during a Fit of Sickness he contracted while in the Service of the Province. Read, and

*Resolved*, That the Sum of *Two Pounds Twelve Shillings* be allowed and paid out of the publick Treasury to Mr. *Benjamin Barker* for the Use of the Petitioner, in full discharge and Satisfaction of the Petition. Sent up for Concurrence.

[ 30 ]

*John Wheelwright* Esq; brought down an Accompt of the Expence of the Committee appointed to repair to the South Precinct in *Brantrey*, & consider the Circumstances thereof, in order to remove the Meeting-House, amounting to *l.9 10s.* Sign'd *Wm. Tailer*, Pass'd in Council, viz. In Council *June 10th. 1725.* Read and *Ordered*, That the above Accompt be allowed, and that the Inhabitants of the South Precinct in *Brantrey* pay unto *William Tailer* Esq; the Sum of *Nine Pounds & Ten Shillings* for the Use of the Committee to discharge the said Accompt. Sent down for Concurrence. Read and Concurr'd.

An Accompt of Dr. *William Davis*, amounting to *l.15 1s. 6d.* for Medicines and Attendance to *William Phillips*, a Pirate in His Majesty's Goal at *Boston*, by Order of Mr. Sheriff *Winslow*, from *May 5th. 1724.* to *May 31st. 1725.* Read and Committed to the Committee for Petitions.

A Petition of *Samuel Sigourney*, setting forth that on the *16th. Day of February 1723.* being then a Soldier in the Service and Pay of this Province, and posted at *Libby's* Garrison in *Berwick*, he was taken Captive by the Indian Enemy, and carried to *Canada*, and by the Indians Sold to the French at *Chamelee*, and there remain'd till the Commissioners arrived there the last Winter, when Col. *Schuyler* who was with them Advanced and Paid for his Redemption the Sum of *Twenty Eight Pounds Three Shillings & Eight Pence* Value in Bills of Credit, praying that this Court would take the Premises into their Serious and Compassionate Consideration, and Enable him to discharge the said Sum paid for his Redemption, he having given his Bond for the Payment of the same. Read, And *Resolved*, That in Consideration of the Petitioner's being a Soldier in the Service and Pay of this Province, at the

Time of his being Captivated, That the Sum of *Twenty Eight Pounds Three Shillings & Eight Pence* be allowed and paid out of the publick Treasury to *William Dudley Esq;* to discharge the Petitioners Bond which he gave as aforesaid.

Sent up for Concurrence.

An Accompt of Dr. *Thomas Alden*, amounting to *l.46 16s.* for Medicines and Attendance on several Officers and Soldiers in His Majesty's Service Eastward, at the Instance and Request of the Commanding Officers there, with a Memorial praying for Allowance of the said Accompt for the Reasons therein mentioned.

Read and committed to the Committee for Muster Rolls.

*Resolved*, That *Robert Auchmuty Esq;* be Directed and Impowred by this Court, and the said *Robert Auchmuty Esq;* is hereby Directed and Impowred on behalf of Our Sovereign Lord the King, to Prosecute Capt. *Adijah Dewey* of *Westfield* at the next Inferiour Court of Common Pleas to be holden at *Boston*, within and for the County of *Suffolk* on the First *Tuesday* of *July* next, upon a late Act of the Province, relating to false Musters, he having continued himself and sundry Troopers of said *Westfield* on his Muster-Roll of 1723, and received the Wages therefor when they were not actually in the Service, but at Home about their Business, Any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

Then the House Adjourned 'till to Morrow Morning Nine a Clock.

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**Veneris Die 11. Junij, A. D. 1725.**

**C**OL. *Stoddard* from the Committee for Petitions, Reported, *viz.* On the Accompt of Mr. Sheriff *Winslow* for sending Proclamations, Precepts, Expresses &c. as Entred the 1st. Currant, which was Read and Accepted, And *Resolved*, That the Sum of *Twenty Three Pounds Five Shillings* be allowed and paid out of the publick Treasury to Mr. Sheriff *Winslow*, in full discharge of the within Accompt.

Sent up for Concurrence.

On the Accompt of Mr. *John Holman* for his Service as Entred the 9th. Currant, which was Read and Accepted, and thereupon *Resolved*, That the Sum of *Twelve Pounds Ten Shillings* be allowed and paid out of the publick Treasury to Mr. *John Holman* in full discharge of the Services within mentioned.

Sent up for Concurrence. [ 31 ]

On the Petition of Capt. *John White*, as Entred Yesterday, which was Read and Accepted, and thereupon *Resolved*, That the Sum of *Twelve Pounds* be allowed and paid out of the publick Treasury to Capt. *John White*, to be by

him paid to the Persons to whom it is due for Expresses, Horse-Hire, &c. and his Expences in Enlisting the Men, making up the Roll &c.

Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported,

On the Accompt of sundry Persons that Guarded the Commissioners that went to *Canada*, as entred the 2d. Curreant, which was Read and Accepted,

And *Resolved*, That the Sum of *Forty Five Pounds Nine Shillings & Five Pence* be allowed and paid out of the publick Treasury to Capt. *John Ashley* to be by him paid to the Persons to whom the same is respectively due, in full discharge of the within Accompt. Sent up for Concurrence.

On the Petition of *Joseph Bennet* as entred the Ninth, which was Read and Accepted, and *Resolved*, That the Sum of *Two Pounds Three Shillings and Nine Pence* be allowed and paid out of the publick Treasury to the Petitioner *Joseph Bennet* in full discharge of the Wages mentioned in the Petition.

Sent up for Concurrence.

On the Accompts of Charges, Scoutings, Ferrage, Expresses, &c. in the Service of the Province in the County of *Hampshire*, as entred the 1st. and 8th. Curreant, which was Read and Accepted, and *Resolved*, That the Sum of *Seventy Nine Pounds Nine Shillings & six pence* be allowed and paid out of the publick Treasury to Col. *John Stoddard*, to be by him paid to the several Persons to whom it is respectively due, agreeable to the above Report, in full Discharge of the several Accompts within written.

Sent up for Concurrence.

A Petition and Accompt of Serj. *Joseph Clesson* and Serj. *Jeremiah Waite* as Entred the 1st. Curreant, which was Read and Accepted, And *Resolved*, That the Sum of *Seven Pounds Ten Shillings & eight pence* be allowed and paid out of the publick Treasury to Capt. *Henry Dwight*, to be by him paid to whom the same is respectively due in full discharge thereof.

Sent up for Concurrence.

*John Otis* Esq; brought down the following Vote of Council, viz. In Council *June 10th. Ordered*, That *John Clark* and *Thomas Hutchinson* Esqrs; with such as the Honourable House of Representatives shall Appoint to be a Committee to prepare the Draught of an humble Memorial and Address to His Majesty, agreeable to the Second and Third Articles of the Committee's Report of the Affair of the War. Sent down for Concurrence.

Read and Concurr'd. And *Ordered*, That Mr. Speaker, Col. *Stoddard* and Mr. *Lindall* be joyned with the Committee of the Honourable Board in preparing the Draught of the Memorial to His Majesty as abovesaid.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported,

On the Muster-Roll of Capt. *John Grey*, as entred the 8th. Curreant, which



was Read and Accepted, And *Resolved*, That the Wages be allowed and paid out of the publick Treasury accordingly. Sent up for Concurrence.

On the Muster-Roll of Capt. *Joshua Moody* as entred the 8th. Currant, which was Read and Accepted, And *Resolved*, That the Wages be allowed and paid out of the publick Treasury according to the said Report.

Sent up for Concurrence.

*Addington Davenport* Esq; brought down a Letter from Mr. Agent *Cooke*, Dated *London, February 8th. 1724, 5.* Directed to His Honour the Lieut. Governor, and the Honourable Board. Read. [ 32 ]

In the House of Representatives, *June 11th. 1725.*

A Resolve for a Supply of the Treasury. Read,  
And Sent up for Concurrence.

An Accompt of Col. *John Schuyler*, for sundry Expences, and Disbursements on Account of the Commissioners and their Attendance that went to *Canada*.

Read and committed to the Committee for Petitions.

An Accompt of *John Pomroy* for Nursing, and Funeral Charges on *Josiah King*, late a Soldier, who Dyed in the Service of the Province, and for Nursing Lt. *Wright* in his Sickness, amounting to *l. 4 9s.* Read and committed to the Committee for Muster-Rolls.

### Post Meridiem.

A Petition of Mr. *Samuel Hunt* of *Dartmouth*, praying that this Court would make him some Allowance for his Support in the Ministry in that Town as formerly they have Encouraged him by considerable Supplies. Read, and in Answer to this Petition, *Resolved*, That the Sum of *Thirty Pounds* be allowed and paid out of the publick Treasury to Mr. *Samuel Hunt* for his Encouragement and Support in Preaching the Gospel at *Dartmouth*.

Sent up for Concurrence.

An Accompt Signed *Henry Dwight*, for sundry Expresses, Transporting Ammunition, &c. in the County of *Hampshire*. Read and committed to the Committee for Muster-Rolls.

Col. *Stoddard* from the Committee for Petitions, Reported,

On the Petition of *Henry Blasdel* of *Groton*, a Surgeon Impressed into the Service by Col. *Edmund Goffe*, praying as entred the 28th. of *May* last, which was read and Accepted, and *Resolved*, That the Sum of *Seventeen Pounds, Nine Shillings* be allowed and paid out of the publick Treasury to Dr. *Henry Blasdel* for his Wages, Druggs and Medicines in the Service of the Province as mentioned in the Petition. Sent up for Concurrence.

On the Petition of Mr. *Hugh Henry* Minister of *Scarborough*, praying as entred the Eighth Currant, which was read and Accepted, and *Resolved*, That the Sum of *Twenty Pounds* be allowed and paid out of the publick Treasury to Mr. *Hugh Henry* for his Encouragement and Support in Preaching the Gospel at *Scarborough* for the Year Currant, and that he be allowed Subsistence out of the Province Stores for the same time. Sent up for Concurrence.

On the Petition of *Thomas Miller* praying as entred the 28th of *May* past, The Committee are of Opinion that the Petition be dismiss'd. Read and Accepted, and *Resolved*, That the Petition be dismiss'd.

On the Accompt of Dr. *William Davis*, as entred the 10th. Currant, which was read and Accepted, and *Resolved*, That the Sum of *Fifteen Pounds, One Shilling and six pence* be allowed and paid out of the publick Treasury to Dr. *William Davis* in full discharge of the within Accompt.

Sent up for Concurrence.

A Muster-Roll of a Company of Voluntiers under the Command of Capt. *Thomas Wells*. Read and committed to the Committee for Muster-Rolls.

A Petition of *Thomas Rich* of *Salem*, praying that his Wages may be raised to that of a Doctors for his Service on Board the Sloop *Larke* Captain *Joseph Majory* Commander the last Summer, being a Convoy to the Fishery, for the reasons therein mentioned. Read and committed to the Committee for Muster Rolls.

A Petition of *Susanna Scales* Widow, praying that she may be allowed to receive what Money was due to her deceased Husband *William Scales*, who was Slain by the Indian Enemy at *North Yarmouth* in *April* last, who left the Petitioner with Five Children in low and distressed Circumstances, and praying also the Compassionate Con-[ 33 ]sideration of this Court for such Relief for her Support and her Children as to their Wisdom shall seem meet. Read, And in Answer to this Petition,

*Resolved*, That the Petitioner or her Order be allowed and impowred to receive out of the publick Treasury what Money was due to her deceased Husband from the Province at the time of his being Slain, and that the Treasurer be directed to pay the same accordingly, And further, That the Sum of *Ten Pounds* be allowed and paid out of the publick Treasury to Major *Samuel Moody* to be by him paid to the Petitioner for her Support and her Children, in Consideration of their great Loss. Sent up for Concurrence.

Col. *Stoddard* from the Committee for Petitions, Reported, viz.

On the Petition of *William Ayer*, a Surgeon inlisted a Voluntier into His Majesty's Service under the Command of the late Capt. *Lovewell*, as entred the 4th. Currant, which was read and Accepted, And *Resolved*, That the Sum of

*Eight Pounds* be allowed and paid out of the publick Treasury to the Petitioner *William Ayer*, in full for the Medicines, Administrations, Expences, &c. mentioned in the Petition.

Sent up for Concurrence.

On the Petition of the Town of *Littleton*, and sundry others Inhabitants of the Town of *Chelmsford* and *Concord*, praying as entred the 1st. Currant, which was read and Accepted, and in Answer to this Petition, *Ordered*, That Mr. *Joseph Wilder*, Capt. *Joseph Estabrooke*, and Mr. *Joseph Hale*, with such as the Honourable Board shall Appoint, be a Committee in the recess of the Court to go to *Littleton*, hear the Petitioners, view their Scituations, and make their report of what they think proper to be done at the next Session of this Court, the Charge to be born by the Town of *Littleton*. Sent up for Concurrence.

*Benjamin Lynde*, *John Cushing*, and *Daniel Oliver* Esqrs; brought down an Address from the Reverend Ministers at their General Convention the 27th. of *May* past, in these Words,

To the very Honourable *WILLIAM DUMMER* Esq; Lieut. Governour and Commander in Chief, &c. To the Honourable the COUNCILLORS. To the Honoured the REPRESENTATIVES in the Great and General Court of His Majesty's Province of the *Massachusetts-Bay* Assembled, and now Sitting.

A Memorial and Address humbly Presented.

At a General Convention of MINISTERS from several Parts of the Province, at *Boston*, *May 27th. 1725.*

CONsidering the Great and Visible decay of Piety in the Country, and the Growth of many Miscarriages which we may fear have provoked the Glorious LORD in a Series of various Judgments wonderfully to distress us, Considering also the Laudable Example of our Predecessors to Recover and Establish the Faith and Order of the Gospel in the Churches, and provide against what Immoralities might threaten to impair them in the way of General Synods Convened for that Purpose, and Considering that about *Forty Five* Years have now rolled away since these Churches have seen any such Conventions, It is humbly desired that the Honoured General Court would Express their Concern for the great Interests of Religion in the Country by calling the several Churches in the Province to meet by their Pastors and Messengers in a SYNOD, and from thence offer their Advice upon that Weighty Case, which the Circumstances of the Day do loudly call to be Considered, — *What are the Miscarriages whereof we have reason to think the Judgments of Heaven upon us call us to be more generally Sensible, and what may be the most Evangelical and*

*Effectual Expedients to put a Stop unto those or the like Miscarriages?* This Proposal we humbly make in hopes that if it be Prosecuted it may be followed with many desirable Consequences worthy the Study of those whom GOD has made, and we are so happy to Enjoy, as the Nursing Fathers of Our Churches.

COTTON MATHER.

The Reverend Mr. <i>Danforth</i> , Mr. <i>Williams</i> , Mr. <i>Sewall</i> , and Mr. <i>Thayer</i> , are desired to Present this Memorial.	}	In the Name of the Ministers Assembled in their General Convention. [ 34 ]
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The following Vote of Council being Entred thereon, *viz.* In Council *June 3d.* 1725. Read, and *Voted*, That the Synod and Assembly proposed in this Memorial will be agreeable to this Board, and the Reverend Ministers are desired to take their own Time for the said Assembly, and it is earnestly Wished the Issue thereof may be a happy Reformation in all the Articles of a Christian Life among His Majesty's good Subjects of this Province. Sent down for Concurrence.

*J. Willard*, Secr.

Read, and the House entred into a very long Debate on the Subject Matter of the said Address and Memorial, and *Voted*, That the same be referred to the next Session for further Consideration. Sent up for Concurrence.

A Memorial of the Reverend Dr. *Timothy Cutler* and Mr. *Samuel Myles*, Setting forth their Reasons against the Memorial and Address of the aforesaid Reverend Ministers in their late General Convention. Read.

A Petition of sundry Military Officers in the Town of *Salisbury*, shewing that they have Ordered Fifteen Companies or Scouts for Watching and Warding on the Frontier of the Town for their Security and Defence, as they apprehend themselves exposed to the Indian Enemy, which Service has been duly performed for One Year, and Certified by Col. *Thomas Noyes*, praying that this Court would allow Pay and Subsistence for the said Service for the Reasons given. Read,

And the Question was put, *Whether the Prayer of the Petition shall be Granted?*  
 It pass'd in the Negative.

A Message from His Honour the Lieut. Governour by Mr. Secretary, *viz.*

Mr. Speaker, His Honour directs this Honourable House to Attend him in the Council Chamber on the Hearing Appointed to be had this Day, on the Affair of the Town of *Scituate*. Mr. Speaker and the House went up accordingly, and Attended the said Hearing, and when it was over Mr. Speaker with the House returned to their own Chamber.

Then the House adjourned 'till to morrow Morning Nine a Clock.



Sabbati Die 12. Junij. A. D. 1725.

**A**N Accompt of Dr. *George Pemberton* for sundry Medicines externally and internally Administred to the Sick and Wounded at Castle *William*, and sundry other Persons brought from the Eastward, amounting to *l.46 12s.*

Read and committed to the Committee for Muster-Rolls.

An Indent Signed *William Barnsdale*, Gunner at His Majesty's Garrison at Castle-*William*, for sundry Stores for His Majesty's Service for the Use of the said Garrison, as is therein particularly Enumerated. Read, and *Resolved*, That Mr. Treasurer be directed to supply the Stores above-mentioned.

Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster Rolls, Reported,

On the Muster-Roll of the Company at His Majesty's Garrison at Castle *William*, under the Command of the Honourable *William Dummer* Esq; Lieut. Governour, &c. Captain, as entred the Ninth Currant, 26 Weeks, The Committee having Examined the same find it right Cast and Vouched by the Oath of Lieut. *Larrabee*, and are of Opinion the Wages said to be due to *John Wake-land*, *John Jones*, and *William Thurrell*, amounting to *l.8 15s. 9d.* be detained in the Treasury, in as much as they are returned Deserters, and that the remaining Sum of *l.507 8s. 7d.* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on this Roll in full discharge thereof. Read and Accepted, And

*Resolved*, That the Sum of *Five Hundred and Seven Pounds Eight Shillings and Seven Pence* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the within Roll, to whom the same is respectively due agreeable to the above Report in full discharge of the Wages thereof.

Sent up for Concurrence.

*Paul Dudley* Esq; brought down the Petition of *Samuel Clap* and others, and also the Petition of *Peter Collamer*, and others of *Scituate*, respecting the Common Lands of the Town of *Scituate*, as entred the 3d. Currant, with the following Vote of [ 35 ] Council on the Petition of the said *Peter Collamer*, and others, viz. In Council *June 12th. 1725.* A Hearing having been had Yesterday before the whole Court on this Petition, and the other Petition of divers Inhabitants of the Town of *Scituate* herein referred to, *Ordered*, That the said Petitions be dismiss'd.

Sent down for Concurrence. Read and Concurr'd.

An Accompt of *Samuel Gerrish* for Printing Paper and Stitching the Reverend Mr. *Thayer's* Election Sermon, amounting to *l.13 15s.* Read, and *Resolved*, That the Sum of *Thirteen Pounds Fifteen Shillings* be allowed and paid out of the publick Treasury to Mr. *Samuel Gerrish* in full discharge of the said Accompt.

Sent up for Concurrence.

On a Memorial of Col. *Edmund Goffe* for a new Consideration of his Muster-Roll, and agreeable to a Vote of the House on said Roll, as entred the 1<sup>st</sup>. Currant, The House entred into a fresh Debate thereon, with the Journal offered by him, and it appearing from his own Journal that he was not in actual Service during the space of *Five Weeks* contained in his Roll, and that the Men are entred thereon for the space of *Two Weeks* more than the Journal makes out, *Therefore Voted*, That the Sum of *Twelve Pounds & Ten Shillings* be deducted from the Wages said to be due to Col. *Goffe* on said Roll, and *Forty Four Shillings* from each of the Men entred, amounting in the whole to *Fifty Six Pounds Ten Shillings*, and that the remaining Sum of *One Hundred & Sixty One Pounds* be allowed and paid out of the publick Treasury to the Officers and Soldiers born on the said Roll in full discharge thereof, first deducting what Mr. Treasurer has Advanced or Supplied for Wages or Subsistence. Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the several Accompts of Scoutings, &c. in the County of *York*, as entred the 1<sup>st</sup> Currant. On the Accompt of Mr. *James Grant*, The Committee upon Enquiry and according to the Directions given them, are of Opinion that there be allowed and paid out of the publick Treasury to Mr. *James Grant* to be by him paid to the Persons to whom the same is due the Sum of *Four Pounds Ten Shillings*, it being allowed to him and the Seventeen Men that are said to have Marched to *Wells* with him, being two Days together in the Service, in full discharge of the within Accompt. Read, and Accepted, and *Resolved*, That the Sum of *Four Pounds Ten Shillings* be allowed and paid out of the publick Treasury to Mr. *James Grant* to be by him paid to the Eighteen Men that are said to have marched to *Wells*, and in full discharge of the within Accompt. Sent up for Concurrence.

On the Accompt of Capt. *Came* and Company, The Committee having Enquired into the pretended Service of said Company, and find by Capt. *Came* himself that they never marched out of their own Town, are of Opinion that there be no Allowance made on that Accompt, Saving that Two Men sent Express, which we are of Opinion should be paid out of the publick Treasury to them. Read and Accepted, and *Resolved*, That the Sum of *Ten Shillings* be allowed and paid out of the publick Treasury to *Josiah Linscott* and *Joseph Smith* for their Service in going Express as within mentioned, and in full discharge of the within Accompt.

Sent up for Concurrence.

*Penn Townsend* and *Benjamin Lynde* Esqrs; brought down the Report of the Committee of both Houses appointed the 23<sup>d</sup>. of *December* past, to consider of the Difficulties the Ministers lie under by reason of the low Value of the Bills of Credit, Signed in the Name and by Order of the Committee, *Samuel*

*Sewall*, Pass'd in Council, *viz.* In Council *June 11th. 1725.* The Board having had several Debates on the Report aforesaid, and apprehending that the Method therein proposed for the Relief of the Reverend the Ministers of the Gospel in this Province, may be attended with such Inconveniencies as not to attain the End desired, *Voted*, That the said Report be not Accepted: But upon Serious Consideration of the Great Distresses that many of the Ministers of the Gospel within this Province labour under with respect to their Support or Maintenance, their Sallaries being generally paid in the publick Bills of Credit of this Province, although many of the Ministers Contracted with their People in the Time when Silver Money passed in Pay-[ 36 ]ment, And the Necessaries of Life, such as Cloathing, Provisions together with Labour and other things, now demand so much more of the Bills of Credit than heretofore, *Resolved*, That it is the Indispensible Duty of the several Towns, Precincts and Parishes of this Province, to make such Additions to the Sallaries or Maintenance of their respective Ministers as may Honourably Support and Encourage them in their Work, and therein to have Regard as well to the Time of the Contract between the Minister and People, and the Specie therein mentioned, as to the Great and Growing Difference in the Value of the Bills of Credit from what they have sometimes been, And this Court do therefore most earnestly Recommend the Speedy and Cheerful Practice of this Duty to the several Congregations and Religious Assemblies within this Province, And that this *Resolve* be publickly Read on the next Lord's-Day after the Receipt hereof in the Afternoon before the Congregation be dismiss'd, and at the Anniversary Meeting of the several Towns or Precincts within the Province in the Month of *March* next.

Sent down for Concurrence. Read,

And the Question was put, *Whether the House will Accept the Report of the Committee.* It pass'd in the Negative.

Then the Question was put, *Whether the House will Concur with the Vote of Council on the said Report?* Resolved in the Affirmative.

Upon a Motion made and Seconded by many Members, that it will much contribute to the Support of this Government, and Advance the Interest of the Province, That a Duty be laid on Rhum Distilled in this Province, And the House Entred into a Debate and Argument thereon, after which they came to the following Vote, *viz.* *Voted*, That a Bill be brought in for laying and paying a Duty of *Three Pence* per Gallon on all Rhum and other Spirits Distilled in this Province, and that *Timothy Lindall* and *John Stoddard* Esqrs; be a Committee to project and prepare a Bill accordingly, taking the Advice of some Gentleman Learned in the Law therein, and that they Report thereon as soon as may be.

*Voted*, That the Committee for Petitions take under their Consideration the sorrowful Circumstances of the Widow of Capt. *John Lovewell* as well as the other Widows who lost their Husbands in the late Action at *Piggwackett* against the

Indian Enemy, and that they also consider of the Men that were in the Action and returned from it, and Report their Opinion of what Reward may be proper for this Court to give to the Relations of the Deceased, and those that survived the Action, to Encourage such like Brave and Gallant Actions for the future.

A Petition of *Joshua Bailey*, *James Sanders*, and *Thomas Haines* Select-Men of *Haverhill*, in behalf of the Select-Men as well as the said Town, setting forth that the said Town Assembled on the Ninth of this Instant *June*, pursuant to the Direction and Order of this Court in their present Session, and that *Richard Kent* Esq; who was by the Court appointed Moderator was also there, but so it was that no Choice of any Officer was declared, and the Meeting continued by the Moderator for a Fortnight, so that the Town of *Haverhill* have been laid under an impossibility of Chosing a Representative in this Court, the Meeting being Adjourned without any Votes being called for Select-Men, Praying the Direction of this Court as well as the House, for their future Proceedings, as particularly therein set forth. Read.

*Ordered*, That Mr. Speaker be desired in the Name of this House to write a Letter to *Richard Kent* Esq; and acquaint him of the aforesaid Petition, and also that it is the desire of the House that he would be here on Monday next, at Three a Clock Afternoon.

Then the House Adjourned till Monday next Three a Clock Afternoon.



# VOTES

## Of the House of Representatives.

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N.B. Page 29, in the Report on *William Jencks* Petition, Read Nine *Hundred Acres* &c.

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Lunæ Die 14. Junij A. D. 1725.

**C**OL. Otis, Col. *Wheelwright*, and Col. *Phipps*, brought down a Bill entitled, *An Act in Addition to the Act for Regulating of the Militia*. Passed in Council, viz. In Council Read three several Days, and passed to be engrossed. Sent down for Concurrence.

Read a first Time.

*Ordered*, That *Jonathan Remington* Esq; go up with a Message to the Honourable Board to acquaint them that the House will be ready to go upon the Choice of Civil Officers to morrow before Noon, and desire the Board would joyn with them in the said Choice.

The Precept sent to the Town of *Chelmsford* for the Choice of a Representative, was returned and certified by the Select Men of the said Town, that they had assembled the Freeholders and other Inhabitants qualified to Vote upon due warning given, who on the seventh of *June* Currant, did elect and depute Mr. *Samuel Chamberlaine* to serve for and represent them in this Great and General Court or Assembly.

*Ordered*, That Mr. *Choate* go up to the Honourable Board with the said Mr. *Samuel Chamberlaine*, that he take and subscribe the Declaration, and take and subscribe the Oath of Abjuration, as by the ROYAL CHARTER of this Province is directed, which was done by him, and then he took his Place in the House.

A Muster Roll of the Company in His Majesty's Service under the Command of Capt. *Samuel Wheelwright*, vouched before Mr. Justice *Hill* at *Wells*.

Read and committed to the Committee for Muster-Rolls.

A Message from the Board by *John Clark* Esq; That the Board will be ready to go upon the Choice of Civil Officers to Morrow before noon, and will joyn with the House therein.

*John Wheelwright* Esq; brought down the Petition of the Town of *Littleton*, and sundry Inhabitants of *Chelmsford* and *Concord*, with the House's Vote thereon, as entred the 11th. Currant, Pass'd in Council, viz. In Council *June 14th. 1725*. Read and Concurr'd, and *Jonathan Dowse* and *Symonds Epes* Esqrs; are joyned with the Committee of the House in the Affair above, and *Ordered*, That the Committee notify the Inhabitants of the West Precinct in *Chelmsford*

of the Time of their going to *Littleton*, that they may be present if they see Cause. Sent down for Concurrence. Read and Concurr'd.

The Petition of *Joshua Bailey* and others of *Haverhill*, praying as entred the 12th Currant, Read again.

And *Richard Kent* Esq; Moderator of the Town Meeting at *Haverhill* was admitted into the House, who spoke to the matter of the Meeting and the Management thereof, The Petitioners were also heard concerning their Petition, and then withdrew, And the House entred into a considerable Debate on the Affairs and Circumstances of the said Town.

A Petition of *Eliphalet Wharfield* late a Soldier in His Majesty's Service Eastward, shewing that he carried out a Gun with him when he was Impressed into the Service, but it being of too small a Bore for the Balls supplied by the Government, he took one of the Province Arms, and left his own Gun in the Province Stores, that he has not got his Gun again nor any satisfaction for it, praying Allowance for the same. Read and committed to the Committee for Petitions. [ 38 ]

Col. *Stoddard* from the Committee appointed to project a more effectual way for calling in the Last 150,000, Loan, pursuant to the Act for Making & Emitting the same, Reported thereon according to Order, which was Read and Accepted And

*Voted*, That the said Committee be desired to project and prepare a Bill accordingly as soon as may be.

Then the House Adjourned 'till to Morrow Morning Nine a Clock.

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**Martis Die 15. Junij, A. D. 1725.**

**M**R. *Lewis* from the Committee of Muster-Rolls, Reported, On the Roll of Capt. *Thomas Wells*, being a Company of Voluntiers, as entred the 11th. Currant, which was read and Accepted, and *Resolved*, That the Wages be allowed and paid out of the publick Treasury, according to the said Report.

Sent up for Concurrence.

On the Muster-Roll of Capt. *Samuel Wheelwright*, as entred Yesterday, which was read and Accepted, and *Resolved*, That the Wages be allowed and paid out of the publick Treasury, according to the said Report.

Sent up for Concurrence.

The House upon a Motion made Entred into the Consideration of the State of the Town of *Haverhill*, and the Petition of *Joshua Bayley* and others of *Haverhill*, and the following Vote pass'd, viz.

*Whereas by special Order of this Court, the Town of Haverhill was Assembled the Ninth Instant for the Choice of Town Officers, and no other than a Town Clerk*

was then Chosen, although he was not declared by the Moderator, and the said Meeting having been Adjourned, notwithstanding the other Town Officers were to have been Chosen on the same Day, Resolved, That John Eaton be and hereby is declared Town Clerk for *Haverhill*, according to the Choice made the Ninth of *June* as aforesaid, and that the Freeholders and all the Inhabitants rated the last Year do Assemble and Convene at the Meeting-House in *Haverhill* on the Twenty-Third of this Instant *June*, at Ten of the Clock in the Forenoon according to the Adjournment, and that they then and there choose all other Town Officers by Law required to be chosen Annually in the Month of *March*, and that *Richard Kent* Esq; hereby declared Moderator of that Meeting be directed to Administer the Oath by Law appointed for a Town Clerk to the said *John Eaton*; And the other Officers to be chosen the Twenty-third Instant to be Sworn also by the Moderator to discharge their respective Offices accordingly, Any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

Ordered, That a Precept be Issued out under the Hand and Seal of Mr. Speaker, directed to the Select Men of the Town of *Haverhill* appointed by this Court to be Chosen on the 23<sup>d</sup>. Day of *June* Currant, to Assemble the Freeholders and other Persons qualified to Vote to choose a Representative for the said Town in the Great and General Court, and to make return of said Precept with their doings thereon into the Secretaries Office on or before the first Day of the next Session of this Court.

Three Accompts and Petitions of *David Melvel* Prison Keeper of His Majesty's Goal in *Boston*, for keeping Two Pirates, several Prisoners and Indians there. Read and committed to the Committee for Petitions.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported,

On the Accompt of *John Pomroy* for Nursing, &c. as entred the 11<sup>th</sup>. Currant, which was read and Accepted, and Resolved, That the Sum of *Three Pounds Nine Shillings* be allowed and paid out of the publick Treasury to Capt. *Thomas Wells* to be by him paid to the Persons to whom the same is due, in full discharge thereof. Sent up for Concurrence. [ 39 ]

On the Accompt of Capt. *Henry Dwight* for Expresses, &c. as entred the 11<sup>th</sup>. Currant, which was read and Accepted, and Resolved, That the Sum of *Fourteen Pounds Nine Shillings & Eight pence* be allowed and paid out of the publick Treasury to Capt. *Henry Dwight*, to be by him paid to the Persons to whom it is due in full discharge thereof. Sent up for Concurrence.

A Bill Entitled *An Act in Addition to the Act for Regulating of the Militia*. Read a second and third Time. And the Question was put, *Whether the House will concur with the Honourable Board on the said Bill?*

It passed in the Negative.

A Muster Roll of the Sloop *Merry-Meeting*, *Thomas Sanders* Master, being a Transport in His Majesty's Service Eastward.

Read and committed to the Committee for Muster Rolls.

*Voted*, That *William Clark* Esq; be added to the Committee for Muster-Rolls on Account of the Transports.

An Accompt signed *Thomas Cushing* for the Expences of the Committee of both Houses appointed the 21st of *December*, to consider of the Difficulties the Reverend Ministers lie under by reason of the Bills of Credit, amounting to *l.2 15s.* Read. And

*Resolved*, That the Sum of *Two Pounds Fifteen Shillings* be allowed and paid out of the publick Treasury to Mr. *Thomas Cushing* in full Discharge of the within Accompt. Sent up for Concurrence.

*Ordered*, That a Message be sent up to the Honourable Board to desire they would pass upon the most momentous Affairs lying before them, that the Court may rise this Week if possible. Sent up by Capt. *Rolfe*.

*Ordered*, That Capt. *Epes* go up with a Message to the Honourable Board to desire they would now joyn with the House in the Choice of Civil Officers, who returned he had delivered the Message.

*Voted*, That Mr. *Lewis*, Mr. *Stoddard* and Mr. *Remington* be a Committee to carry up the Votes of the House, assist in sorting and numbering them with the Votes of the Honourable Board, and make report of the several Choices that shall be made.

The said Committee carried up the Votes for a Province Treasurer, and reported that *Jeremiah Allen* Esq; was unanimously chosen.

The said Committee carried up the Votes for a Commissioner of Impost, and reported that Mr. *Daniel Russell* was chosen by a very great Majority.

The said Committee carried up the Votes for an Attorney General, and reported that *John Read* Esq; was chosen by a major Part of the Votes.

The said Committee carried up the Votes for two Notarys Publick for the Port of *Boston*, and reported that Messieurs *Joseph Hiller* and *Samuel Tyley* were chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Salem*, and reported that *Stephen Sewall* Esq; was chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Newbury*, and reported that Mr. *Stephen Jaques* Junior, was chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Plymouth*, and reported that Capt. *John Dyre* was chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Bristol*, and reported that *Timothy Fales* Esq; was chosen.

The said Committee carried up the Votes for a Notary Publick for the Port of *Kittery*, and reported that Mr. *Charles Frost* was chosen. [ 40 ]



**Post Meridiem.**

*Penn Townsend Esq;* brought down an Engross'd Bill, Entitled, *An Act for Granting unto His Majesty several Rates and Duties of Impost and Tunnage of Shipping.*

Read and *Resolved*, That the Bill pass to be Enacted. Sent up by Mr. Clark.

A Petition of *Nathaniel Ayers* of *Boston*, shewing that *William Hollins* and *Joan* his Wife, as the said *Joan* was Administratrix on her former Husband *James Eaton* his Estate, brought their Action of the Case against him at the Inferiour Court of Common Pleas held at *Boston* for the County of *Suffolk*, on the First Tuesday of *January* last, when the Petitioner was taken very dangerously ill, and his Life almost despaired of, and not having imployed an Attorney Judgment went against him by Default, and Execution taken out accordingly, so that the Petitioner is without remedy in the Law unless he can be relieved by this Court, praying that he may be Enabled by an Order or Resolve of this Court to have a Tryal of the Merits of the Cause at the next Inferiour Court to be holden in and for the County of *Suffolk*, and that Execution may be stayed in the Officer's hands in the mean time, for the Reasons therein mentioned, pass'd in Council, *viz.* In Council *June 2d. 1725.* Read and *Ordered*, That the Petitioner Serve the Attorney of *William & Joan Hollings* with a Copy of this Petition, that so he may give Answer there (if he see Cause) on or before Friday the Eleventh Instant. Sent down for Concurrence.

Read and Concurr'd with the Amendment, dele — Eleventh, and add — Eighteenth. Sent up for Concurrence.

An Account of *Ephraim Bosworth* Agent for the Town of *Hull*, for Seventy Load of Ballast taken off the Great Brewster, at *Ten Shillings* per Load, and delivered by the Direction of the Committee for Effecting Repairs at Castle *William*, and the *Light-House.* Read and committed to the Committee for Petitions.

A Memorial of *Seth Whelden* of *Yarmouth*, shewing that by Vertue of Lieut. *Josiah Miller* of *Yarmouth*, he was Impressed into His Majesty's Service Eastward, in *May* last, and appearing before the Lieutenant, he was told by him that the Colonel had given Orders for impressing Men, and that two were to go out of that Precinct, and must be ready to sail for *Casco Bay* in three Days, and that the Memorialist must proceed unless he could get Three Indians in his room, and then he should not proceed, which he thought impracticable for him to effect, and with great Difficulty procured *Ten Pounds* and paid the same to Lieut. *Miller* within six Hours after he was impressed, when he found four Men more impressed at the same time, and thought to have some of his Money given him back, seeing the said four Men were released, but the Lieut. told him it was

contrary to Law to return any of the Money, and the Memorialist alledges that neither Englishmen nor Indians in their room went from said Town, praying that this Court would direct that he may have his Money again, and also that they will take order that no such Injuries be suffered for the future, which was accompanied with a Letter from Capt. *Constant Freeman*, complaining of some Irregularities and Injurys done at *Billingsgate*, respecting the impressing of Men there. Read. And

*Ordered*, That *Ezra Bourne* and *Daniel Parker* Esqrs. and Capt. *Edmund Freeman* with such as the Honourable Board shall appoint be a Committee in the Recess of the Court, to take under Consideration the Injuries and Abuses complained of in the said Memorial and Letter, and report their Opinion what may be proper for the Court in their next Session to do for the Relief of the Persons aggrieved, and also what expedient may be necessary for preventing such or the like Abuses for the future. Sent up for Concurrence.

A Memorial of Col. *Eleazar Tyng*, praying he may be allowed to receive after the Rate of *Three Pounds* per Month for his time and trouble in delivering out and supplying the Company under his Command, with Bread, Provisions, Ammunitions and Stores necessary for their Service, and also for his doing the same Service to the Company commanded by Capt. *Willard* at *Turkey Hills*, for the Reasons therein mentioned.

Read and committed to the Committee for Petitions.

A Memorial of *Joseph Fuller*, *Abraham Jackson*, *Ebenezer Stone*, *Jeremiah Fuller*, *John Clark*, *Eleazer Ward*, *John Greenwood*, *Jonathan Coolidge*, *William Trowbridge* and *Ephraim Williams* a Committee for, and on the behalf of the Town of *Newtown*, [ 41 ] praying they may be further heard on their Petition presented to this Court in their Session held *November 16th. 1722.* praying that the six Families formerly set off from them and annexed to the South Church in *Roxbury* by this Court, may be restored and returned to the said Town of *Newtown* for the Support of the Ministry there, for the reasons therein mentioned.

Read and *Ordered*, That the Prayer of the Petition be so far Granted as that a Hearing be had thereon before this Court on the Second Wednesday of the next Session, and that in the mean time the Petitioners serve the six Families mentioned in the Petition with a Copy thereof, that they be present at the Hearing if they see cause to make their Objections why the Prayer of the Petition should not be Granted? Sent up for Concurrence.

An Accompt of Lieut. *John Larrabee*, for Victualling the Garrison at His Majesty's Castle *William* from the 23d. of *Novemb. 1724,* to *May 23. 1725.* examined by Mr. Treasurer *Allen.* Read and Accepted, and *Resolved*, That Mr. Treasurer *Allen* be directed to pay to the Accomptant Lt. *John Larrabee* the Sum of *One Hundred Sixty One Pounds Seventeen Shillings*, being the Ballance of this Accompt. And further to enable the said *Larrabee* to Victual the Garrison

at His Majesty's Castle *William* according to the last Establishment made this present Session, *It is Resolved*, That Mr. Treasurer be and hereby is directed to Pay and Advance to Lieut. *John Larrabee* the Sum of *Two Hundred Pounds* for Victualling the said Garrison according to the said Establishment, taking Security from him for the true and faithful performance thereof.

Sent up for Concurrence.

A Memorial of *Jonathan Richardson* and several others Inhabitants of *Chelmsford*, setting forth that Mr. *Samuel Chamberlaine* a Member of this House and Representative for the said Town of *Chelmsford* is a Person not of an Orderly and Sober Life and Conversation, as is more particularly mentioned therein, Praying that the said Mr. *Samuel Chamberlaine* may not be allowed the Dignity of Sitting or Acting as a Member of this Honourable House, for the Reasons therein mentioned. Read. And the Petitioners were admitted into the House, and were heard to inforce their Petition, and the said Mr. *Samuel Chamberlaine* was heard also in making his Reply thereto, and then the Parties withdrew, And Mr. *Samuel Chamberlaine* did also withdraw. And the House having entred into the Consideration of the subject matter of the said Memorial, *Voted*, That the Memorial be dismiss'd.

A Message from His Honour the Lieut. Governour by Mr. Secretary,

Gentlemen of the House of Representatives,

*I have observed in the Preamble of a Vote (past in your House the 4th Instant) for the Treasurers Discharge on his General Accompts, mention made of the Sum of l.28742 6d. half penny, in Bills lying in his hands, And without a just Explanation it may seem contrary to His Majesty's Instructions respecting the making of Bills (which I now lay before you) that so great a Sum should remain in the Treasury at the shutting up of the Treasurers Accompts, and therefore I desire that that Article may be so Explained, that we have acted conformably to His Majesty's Commands in that Instruction.*

Tuesday June 15th. 1725.

*Wm. DUMMER.*

Then the House Adjourned 'till to Morrow Morning Nine a Clock.

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**Mercurij Die 16. Junij, A. D. 1725.**

**A** Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *John Penhallow*. Read and committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *John Gyles*, being the Company at His Majesty's Garrison at *Fort-*

*George at Brunswick*, An Accompt for Wood, Indent for Stores, &c. for said Garrison.

Read and committed to the Committee for Muster-Rolls.

An Accompt of *Tilley Myrick*, amounting to *l. 1 7s. 6d.* for Entertaining the Commissioners and their Attendants in going to *Albany*. Read, And

*Resolved*, That the Sum of *Twenty Seven Shillings & six Pence* be allowed and paid out of the publick Treasury to Col. *John Stoddard* to be by him paid to *Tilley Myrick* in full discharge thereof, it being Certified by the Commissioners.

Sent up for Concurrence. [ 42 ]

*John Wheelwright Esq;* brought down the following Vote of Council, *viz.* In Council *June 16th. 1725.* Ordered, That *Addington Davenport, John Clark, Paul Dudley, Samuel Thaxter, and Edward Hutchinson Esqrs;* be a Committee of this Board to confer with a Committee of the Honourable House of Representatives on the Subject Matter of Col. *John Chandler's* Return of his Survey of the Nine Hundred Acres of Land for *William Jencks & his Associates*. Sent down for Concurrence. Read and Concurr'd. And Ordered, That Mr. *Stoddard, Mr. Wilder, Mr. John Paine, Mr. Remington, Mr. Lindall, and Capt. Dwight,* be a Committee of the House to confer with the Committee of the Honourable Board on the Subject Matter of the Conference desired by them.

*Voted*, That the several Complaints Exhibited to this Court against Col. *Harman* be Committed to Mr. *Lindall, Mr. Lewis, Major Quincy, Mr. Choate, Capt. Goddard, and Thomas Church Esq;* who hereby are appointed to Examine and take any Evidence for or against the said *Harman*, and to make return as soon as possible to this Court in their present Session.

A Memorial Signed *William Lambert* Comptroller of His Majesty's Customs in the Port of *Boston*, praying that the Establishment of the Fees of the said Office may be raised, for the Reasons therein given. Read, and Committed to Mr. *Clark, Mr. Oulton, Mr. Wainwright, Mr. Thomas Cushing, and Col. Paine,* to take the same under Consideration, and report what they may be of Opinion may be proper for the Court to pass thereon.

*Ordered*, That Mr. *Speaker, Mr. Clark, Mr. Lewis, Mr. Remington, Mr. Phillips, Mr. Tay, and Mr. Thomas Cushing,* with such as the Honourable Board shall appoint be a Committee in the Recess of the Court to take an Account of what torn and defac'd Bills are in the Treasury, and unfit for further Service, of the number of each Sort of the said Bills, with the whole Sum of them, to give Mr. Treasurer a Receipt for them, and burn them to Ashes, and make Report of their doings herein to this Court in their next Session. Sent up for Concurrence.

Col. *Stoddard* from the Committee for Petitions, Reported, On the Petition of *Nicholas Simons*, as entred the 1<sup>st</sup>. Currant, The Committee are of Opinion that the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury to



the Petitioner *Nicholas Simons* in Consideration of the Mens being released, together with the Ships belonging to this Province. Read and Accepted, And *Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the publick Treasury to the Petitioner *Nicholas Simons* accordingly. Sent up for Concurrence.

*In Answer to His Honour's Message the last Night respecting a Clause in the Preamble of a Vote past the 4th. Instant for the Treasurer's Discharge,*

The House would observe to His Honour that as to the Sum of *l 28742 6d half penny* lying in the Treasury and to be Accompted for, The Treasurer by that Vote is not discharged from the said Sum, but that the Sum of *l.20,000* part thereof is by a Resolve of this Court Ordered to be Emitted for the discharge of the Debts of the Province, and for the necessary Support of the Government &c. for which Ends it was put into his hands the last Fall Session, and it could not be reckoned as Money till such Order were made for the Emission of it, and a Fund provided, and the remaining Sum of *l.8742 6d. half penny*, being torn and defac'd and unfit Bills for Service, the House have Voted a Committee with such as the Honourable Board shall appoint to burn the said torn and defac'd Bills amounting to the said Sum of *l.8742 6d. half penny*, to ashes.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Petition of *Thomas Rich* a Surgeon on board the Sloop *Larke*, a Guard to the Fishery, as entred the 11th. which was Read and Accepted, And *Resolved*, That the Sum of *Two Pounds Ten Shillings* be allowed and paid out of the publick Treasury to the Petitioner *Thomas Rich* in full of his Wages as Surgeon while in the Service of the Province as within mentioned. Sent up for Concurrence.

On the Accompt of Dr. *Thomas Alden* for sundry Medicines, Attendance, &c. on the Forces Eastward, as entred the 10th. Currant, which was read and Accepted,

And *Resolved*, That the Sum of *Thirty Five Pounds* and no more, be allowed and paid out of the publick Treasury to Dr. *Thomas Alden* in full discharge of the within Accompt. Sent up for Concurrence. [ 43 ]

A Petition of *Moses Rice* of *Worcester*, shewing that *Benjamin Townsend* of *Worcester* at the Inferiour Court of Common Pleas held at *Cambridge* for the County of *Middlesex* in *June 1724*. brought an Action of the Case against him upon a certain Agreement for *Three Pounds Ten Shillings* then received of him not to Prosecute a Complaint entred by the Petitioner against the Wife of the said *Townsend*, and Judgment went against the Petitioner, and he Appealed to the next Superiour Court to be held for the said County, but the said *Townsend* returning home sent the Petitioner Word that his Attorney with whom he left it to Recognize failed of Recognizing, and the time being short and he living remote, could not then file Reasons, so that Execution is taken out, and he is

without remedy in the Law, unless the aid and relief of this Court, Praying that he may have his Appeal revived to the next Superiour Court at *Cambridge*, and Liberty to file his Reasons, and proceed to Tryal accordingly, for the Reasons therein mentioned. Read, and

*Ordered*, That the Prayer of the Petition be Granted, and that the Petitioner file his Reasons of Appeal in the Clerks Office of the Inferiour Court for the County of *Middlesex* Fourteen Days at least before the Sitting of the next Superiour Court in said County, and giving the Adverse Party timely notice of his filing his Reasons of Appeal, Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

*Edward Hutchinson* Esq; brought down a Petition of *Benjamin Newland* Husbandman and *Elizabeth* his Wife, *Benjamin Caswall* Husbandman, and *Mary* his Wife, *John Astin* Husbandman, and *Sarah* his Wife, all of *Norton* in the County of *Bristol*, which said *Elizabeth*, *Mary* & *Sarah* are Daughters of *Samuel Hall* late of *Taunton* in the County aforesaid Husbandman deceased, shewing that the Petitioners and their Brother *George Hall* at the Inferiour Court held at *Bristol* the Second Tuesday of *April* 1720, Commenced an Action of Trespass & Ejectment against *John Simons* of *Dighton* in the County of *Bristol* Husbandman for the Possession of four nine Parts of a certain Lot of Land in *Dighton*, which was the Estate of their said Father, and of which he dyed siezed in Fee & Intestate, at which Inferiour Court *Nich. Moorey* of *Freetown* was admitted Defendant in the room of the said *John Simons* the Terre-Tenant, when the Plaintiffs recovered Judgment for the Land Sued for and Cost, from which Judgment the said *Moorey* Appealed to the next Superiour Court held at *Bristol* in *September* 1720, when Judgment was rendred for the said *Moorey* Reversion of the former Judgment and Costs of Courts, and the Plaintiffs took out a Writ of Review of the said Cause returnable to the Superiour Court of Judicature held at *Bristol* in *September* 1723. but so it hapned that one of the Plaintiffs, *viz. John Astin* Endorsed the same on the back thereof, by means whereof the Writ abated, so that the Plaintiffs then were and still are without remedy in the Law, and the said *George Hall* having since the Sitting of the Superiour Court last named Sold his Right and Interest in the said Lot of Land to the said *Nicholas Moorey*, Praying that they may be impowred to bring forward a new Writ of Review at the next Superiour Court of Judicature to be holden at *Bristol* aforesaid, on the Second Tuesday of *September* next for recovery of their just Right in the said Lot of Land agreeable to the Original Writ, the Time for Reviewing thereof being Elapsed, and the said *George Halls* Agreement with the said *Moorey* notwithstanding, Pass'd in Council, *viz. In Council June 16th. 1725.* Read and *Ordered*, That the Prayer of the Petition be Granted, and that the Petitioners be impowred to bring their Writ of Review at the next

Superiour Court of Judicature for the County of *Bristol* accordingly, and that the Judges be Authorized and Directed to Hear and Determine the said Cause, Any Law, Usage or Custom to the contrary notwithstanding. Sent down for Concurrence.

Read and Concurr'd.

### Post Meridiem.

An Engross'd Bill Entitled, *An Act for Apportioning and Assessing a Tax of Twenty Thousand Pounds.* Read, And

*Resolved*, That the Bill do pass to be Enacted.

A Petition of *James Dyke* of *Gloucester*, praying he may have the Liberty to bring another Writ of Review of an Action Originally brought by him against the Commoners and Proprietors of the Common Lands in *Gloucester*, [44] the said Cause being Tryed at the last Superiour Court of Judicature held at *Ipswich* for the County of *Essex* in *May* last on a Review. Read,

And the Question was put, *Whether the Prayer of the Petition shall be Granted?* It pass'd in the Negative.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Joseph Heath* at *Richmond*, with an Accompt of Disbursements of the said Capt. *Heath* there. Read and committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Samuel Wright* of *Rutland*. Read and committed to the Committee for Muster-Rolls.

A Petition of *Richard Kent* Esq; *Joseph Gerrish*, and *Edward Eveleth*, in behalf of themselves and sundry other Inhabitants of the Ancient Towns of *Ipswich* and *Newbury*, praying that this Court would of their known Wisdom and Goodness make a Grant of a certain Tract of Land to them of the Contents of about Eight Miles Square at a Place called *Millers-River* or *Paquoiaugg*, in order to make a Settlement of a Township, under such Restrictions and Regulations as to this Court shall seem meet, for the Reasons therein mentioned. Read and referred to the next *May* Session for further Consideration.

A Petition of *Joseph Andrew*, *John Trask*, *Ezekiel Goldthright*, and *Samuel King* in behalf of themselves and about Eighty others, Inhabitants of *Salem* and Towns Adjacent, praying that this Court would be graciously pleased to make a Grant of a certain Tract of Land to them of the Contents of about Eight or Ten Miles Square lying at the Head of the *Maine* or West Branch of *Swift-River*, in order to make a Settlement of a Township, under such Conditions and Regulations as to this Court shall meet for the Reasons therein

mentioned. Read and referred to the next *May* Session for further Consideration.

A Memorial of Capt. *Thomas Wells* of *Deerfield*, shewing that he was Commissionated by His Honour the Lieut. Governour and Commander in Chief, to have the Command of a Company of Voluntiers, which he raised, and Consisted of Sixty-five Men, that he with the said Voluntiers cheerfully performed a March to *Coass* and the *White-Hills* being 280 Miles above *Deerfield* in quest of the Indian Enemy, That the Expence he has been at in raising the said Voluntiers, preparing Canoo's for their Expedition, and other necessary Charges he was at in fitting out has arisen to more than what his Wages amounted to in the Service, praying for such Allowance out of the publick Treasury as to this Court in their Wisdom and Justice shall seem meet.

Read and committed to the Committee for Muster-Rolls.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of the Sloop *Merry-Meeting*, a Transport in His Majesty's Service Eastward *Thomas Sanders* Master, as entred Yesterday, which was Read and Accepted, and *Resolved*, That the Sum of *Two Hundred & Eighty Pounds* be allowed and paid out of the publick Treasury to Mr. *Thomas Sanders* in full discharge of the Mens Wages and Hire of said Sloop.

Sent up for Concurrence.

An Accompt of *Peter Walton* for Repairs done to the Whale Boats Eastward, belonging to this Province, amounting to *l.8 5s.* Read and committed to the Committee for Petitions.

An Accompt of Ferrage of *Nathan Knight* for his Ferrying sundry Officers and Soldiers in the publick Service at *Scarborough* from *August 4th. 1721.* and his Attendance on Two Soldiers that were left Sick at his House, amounting to *l. 15 6s. 8d.* Read and committed to the Committee for Petitions. [ 45 ]

An Accompt of *Luke Vardy* for Dining His Honour the Lieut. Governour and Council; and a number of other Gentlemen, being One Hundred & Twenty-five in all, on the Election Day. Read and *Resolved*, That the Sum of *Thirty One Pounds Five Shillings* be allowed and paid out of the publick Treasury to the Accomptant *Luke Vardy* in full discharge thereof.

Sent up for Concurrence.

Col. *Stoddard* from the Committee for Petitions, Reported, On the Petition of *Richard Cutt* who was Wounded in an Engagement with the Indian Enemy, which was read and Accepted, and *Voted*, That this Petition be referred to the Fall Session, that the Petitioner may then have Opportunity to lay before the Court a particular Accompt of the Expence of *Sixty Pounds* Petitioned for.

On the Petition of *Eliphalet Wharfield*, as entred the *14th.* which was Read and Accepted, and *Voted*, The Petition be referred to the Fall Session, and that in the mean time Mr. Treasurer be directed to order the Storekeeper to send



the Gun mentioned in the Petition to *Boston*, it being sufficiently Certified that the said Gun was lodged in the Stores Eastward.

A Memorial of *George Hughes* Attorney at Law, setting forth, that whereas he was appointed by the Court of General Sessions of the Peace in *July* last, and also by the Court of Assize and General Goal Delivery held in *November* last at *Boston* for the County of *Suffolk* Attorney-General to prosecute *John Checkley* of *Boston*, Shopkeeper, on an Indictment for publishing a Scandalous Libel, at both which Courts he was Convicted, and that what he has received, has not been equal to his Charges and Services therein, praying the Consideration of this Court that they would make him such Allowance for his said Service as they shall think proper. Read, And the Question was put,

*Whether any further Allowance shall be allowed the Memorialist?*

It pass'd in the Negative.

A Memorial of *Richard Hunt* of *Boston*, shewing that by Order of His Honour the Lieut. Governour, one *Zechariah Trescot* Impressed an Horse belonging to him to go Eastward in *April* last, that the said Horse was wounded by the Indian Enemy, whereby he was damnified at least *Ten Pounds*, and praying Allowance for the same. Read and committed to the Committee for Petitions.

Mr. *Thomas Cushing* from the Committee to whom was referred the Petitions of several Soldiers that were defrauded by Lt. *John Lane*, who under the colour of Forged Orders received the whole of what was due to them for their Wages in the Service of this Province, Reported thereon, which was read and Accepted, and thereupon Resolved, That the Sum of *One Hundred and Eighty Six Pounds Fourteen Shillings* be allowed and paid out of the publick Treasury to the several Soldiers within named to whom the same is respectively due, in full discharge of the like Sum due to them for their Wages while in the Service of this Province, it being what has been paid already by Mr. Treasurer to Lt. *John Lane* but on Forged and Counterfeited Orders by him produced to the Treasurer. And further, That Mr. Treasurer be and hereby is impowred and directed to Prosecute the said *John Lane* in order to recover of him the aforesaid Sum for the Use of the Province.

Sent up for Concurrence.

A Petition of *William Stacy* of *Marblehead* and *Mary* his Wife, formerly *Mary Holton*, Relict Widow and Executrix of *James Holton*, late of *Salem* New-Precinct in the County of *Essex* Yeoman deceased, and *James Rowland* of *Marblehead* aforesaid in the County aforesaid Joyner, shewing that *Eleazer Linsey* late of *Lynn* in the County of *Essex* Housewright, by his Last Will and Testament devised a House and Two small Tracts of Land lying in *Lynn* aforesaid, containing about Eleven Acres, to *Sarah* his Wife for Life, the remainder to his Grandson *James Rowland* the [ 46 ] Petitioner in Fee, That about the 13th Day of *May*

1721. the said *Sarah & James Holton* who was Guardian to the said *James Rowland* then an Infant, for the advantage of the Petitioner and in Consideration of *l.140* Conveyed the Premises to *Benjamin Newhall* of *Lynn* Cordwainer, but for as much as the Grantors could not pass a good Title in the Law to the Grantee, the said *James Holton* gave his Bond to the said *Newhall* in the penal Sum of *l.280* with Condition that the said *James Rowland* upon his arrival at Twenty-one Years of Age should execute a good Deed of Sale of the Premises to the said *Benjamin Newhall*, and the Petitioners about the 13<sup>th</sup> Day of *May* 1721, the said *James Holton* invested the said Consideration Money received from the said *Newhall* in the Purchase of a Dwelling House and Tract of Land in *Marblehead*, where the Petitioner *Rowland* then was an Apprentice in order for his Settlement, But as the said *James Holton* had entred into Bond as aforesaid Conditioned as aforesaid, for his safety took the Deed of the Lands, House, &c. in *Marblehead* in his own Name, 'till such time as the Petitioner should arrive at lawful Age and Execute such Conveyance pursuant to the Condition of the said Bond, but so it is that the said *Holton* dyed before the same could be Accomplished, leaving several Young Children, and the Petitioner *Rowland* tho' now of Age hath not Executed such Deed to said *Newhall*, for that there is no Person qualified by Law and Enabled to Execute a Deed of the House and Land in *Marblehead*, purchased as aforesaid to him, the said *Newhall* hath put the said Bond in Suit to the great Destruction of the said *Holtons* Estate if recovered, Praying that the Petitioners *Wm. Stacy & Mary* his Wife Executors as aforesaid, may be enabled to Execute good Conveyances in the Law of the Messuage and Premises purchased in *Marblehead*, to protect the Estate of the said *Holton* from the penalty of the said Bond as in Cases of Insolvency, and the other Petitioner *Rowland* will thereupon Execute a good Deed to said *Newhall*, according to the Condition of the said Bond and the Design of all the Parties therein concerned.

Read and Ordered, That the Prayer of the Petition be Granted, and that the Honourable the Judges of the Superiour Court of Judicature to be holden at *Salem* on the last Tuesday of *October* next within and for the County of *Essex*, are hereby directed, and impowred to Enable the Petitioners *William Stacey* and *Mary* his Wife as she is Executrix of *James Holton* deceased, to pass and make a good and sufficient Deed or Deeds in the Law of the Messuage Land and Premises Scituate in *Marblehead* as set forth in this Petition to the Petitioner *James Rowland*, upon the Petitioner *James Rowland* his Executing on his part a good and sufficient Deed or Deeds in the Law of the Messuage Land and Premises Scituate in *Lynn*, as in the said Petition, to *Benjamin Newhall*, therein named, whereby the said *Holtons* Estate may be discharged of the said Bond mentioned in the Petition as in the Case of Insolvent Estates, Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

*Whereas it has been usual for the Treasurer for many Years past to pay the Wages of the Soldiers by Virtue of Orders Signed by the said Soldiers or pretended to be Signed by them, without reasonable Proof of the same, many of which Orders of late have appeared to be Forged or Counterfeit, and the Soldiers thereby in danger of being defrauded of their just Dues,*

For Remedy whereof and Preventing the like mischief for the future:

*Resolved*, That for time to come the Treasurer or his Deputy do not pay any Officers or Soldiers Wages to any others than the Persons to whom the same is due, unless he or they who produce an Order to receive any such Wages bring the same well Attested, which Attestation shall be an Acknowledgement made before a Justice of the Peace, Town-Clerk or Commissary, or Commission Officer, uninterested in the Service and Pay of this Government, that such Order is the Act and Deed of the Signer or Signers thereof.

Sent up for Concurrence.

Then the House Adjourned 'till to Morrow Morning Nine a Clock. [ 47 ]

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**Jobis Die 17. Junij, A. D. 1725.**

**A** Petition of *John Moffat* Master of the Ship *More-Hampton*, shewing that a Negro Man named *Pompey* came privately on Board said Ship, 'till two days after her Sailing from *New England* to *Oporto*, who when discovered, the Petitioner us'd all probable and possible Methods to send him safe to his Master again, but the Ship that took him on board put in at *Dover* by contrary Winds, where the said Negro made his Escape, And the Petitioner is informed that he may be exposed to the Penalty of the Law made in the Fifth Year of King *GEORGE* against Transporting Apprentices, Persons under Age or Servants, by which Law his Case is no ways distinguished from that of a Person favouring an Escape, &c. of a Servant, &c. Praying this Court would so Explain the said Act as that he being Innocent may not be involved in the same Punishment with the Guilty, or that otherwise he may be relieved as to this Court shall seem meet. Read,

And the Question was put, *Whether the Prayer of the Petition shall be Granted?*

It pass'd in the Negative.

A Bill Entitled, *An Act in Addition to an Act or Law of this Province made in the Fourth Year of the Reign of the late King William & Queen Mary, Entitled An Act for Regulating of Townships, Choice of Town Officers, and setting forth their Power. And for Repealing One Clause contained in said Act.* Read a first Time.

An Accompt of *John Larrabee* for sundry sorts of Work done for the Use of His Majesty's Castle *William*, amounting to *l.38 2s. 11d.* Read, And

*Resolved*, That the Sum of *Thirty Eight Pounds Two Shillings & Eleven Pence* be allowed and paid out of the publick Treasury to the Accomptant *John Larrabee* to be by him paid to the Persons to whom the same is respectively due in full discharge of the within Accompt. Sent up for Concurrence.

A Petition of *Caleb Spurrier* of *London*, Merchant, shewing that on the *7th. of August, 1723.* he was enabled by this Court to review an Action Originally brought by him against *John Butler* of *George-Town* in the County of *York* Innholder, at the Superiour Court of Judicature then next to be holden at *York* for the said County of *York*, that accordingly he brought forward his Writ of Review and Entred his Action at said Court, but by means of the said *Butlers* having notice of his being Enabled &c. he Absconded, and to the Petitioners great Surprize the said Writ of Review was not served, so that the Petitioner was defeated of having a Tryal for recovery of his just Debt, which was *l.63 5s.* and is left without remedy in the Law, Praying he may be Enabled to bring forward another Writ of Review for the recovery of the said Debt at the next Superiour Court to be held for the County of *York.* Read and *Ordered*, That the Prayer of the Petition be Granted, and that the Petitioner be Enabled to bring forward another Writ of Review at the Superiour Court of Judicature next to be holden for the County of *York* for Tryal of the said Cause, and the Justices of the said Court are hereby impowred and directed to hear and determine the same accordingly, Any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

*Jonathan Dowse* Esq; brought down the Petition of *Moses Rice* of *Worcester*, with the Vote of the House thereon, as Entred Yesterday, Pass'd in Council, viz. In Council *June 17th. 1725.* Read and Concurr'd, And the Justices of the said Superiour Court are impowred and directed to hear and determine the said Appeal accordingly. Sent down for Concurrence.

Read and Concurr'd. Sent up.

Col. *Stoddard* from the Committee for Petitions, Reported, On the Petition of Col. *Eleazer Tyng*, as Entred the *15th.* which was Read and Accepted, And *Voted*, That the Petition be dismiss'd.

An Accompt of *Edmund Mountfort* for the Hire of sundry Store-Houses Eastward for His Majesty's Service there, and for Oars for the Whale-Boats, amounting to *l.14 19s. 7d.* Read and *Resolved*, That the Sum of *Fourteen Pounds Nineteen Shillings and Seven Pence*, be allowed and paid out of the publick Treasury to the Accomptant *Edmund Mountfort* in full discharge thereof.

Sent up for Concurrence. [ 48 ]

Col. *Stoddard* from the Committee appointed to take under Consideration the Sorrowful Circumstances of the Widow of Capt. *John Lovewell* &c. as Entred the *12th.* Currant, which was Read and Unanimously Accepted, and thereupon

*Resolved*, That there be allowed and paid out of the publick Treasury the



Sum of *Three Hundred Pounds* for the Three Indians found Kill'd by Capt. *Lovewell* & Company, to them or their lawful Representatives, although their Scalps were not produced, the Money to be distributed among the Officers and Soldiers of said Company according to Law, That there be allowed and paid out of the publick Treasury to the Thirty Three Men who were in the late Action at *Piggwackett* (a List whose Names is on the other side) or to their lawful Representatives the Sum of *Nine Hundred & Ninety Pounds* which is *Thirty Pounds* to each Man; That there be also allowed and paid out of the publick Treasury unto the Representatives of the Six Men who were killed in the late Action the Sum of *Two Hundred & Ten Pounds*, Viz. To Capt. *Lovewell's* Representatives Sixty Pounds, To *Josiah Farwell's* Thirty Pounds, To *Jonathan Robins's* Thirty Pounds, To *Jacob Fullam's* Thirty Pounds, To *Jacob Farrah's* Thirty Pounds, To *Elias Barron's* Thirty Pounds, All the above Sums are to be paid to the Representatives of the Deceased to be distributed as the Law directs for the Distribution of the personal Estates of Intestates. And that all Matters relating to those Wounded in the late Action, as to their Cure, Pensions, &c. be referred to the Consideration of this Court in their next Session. Sent up for Concurrence.

### Post Meridiem.

A Bill Entitled, *An Act to prevent the unnecessary Journeying of Representatives, and for the more Speedy and Safe Conveyance of the Laws, Tax Acts, Treasurer's Warrants, and Proclamations for Fasts and Thanksgivings, and to Establish the Fees for the same.* Read a First Time.

A Petition of *Benjamin Garey, John Vinton, Timothy Wright, John Gold, Jonathan Green* and *Daniel Green*, in behalf and by direction of the Inhabitants of the North Part of *Charlstown* near *Reading*, shewing that for many Years past they have laboured under many Inconveniences and Difficulties by reason of their great distance from the Meeting House and publick Place of the Towns Meeting, being about Ten Miles distant therefrom, Praying that the Lands lying between the North side of *Medford*, the South side of *Reading*, the West side of *Malden*, and the East side of *Wobourn* Line 'till it comes where the Line between *Wobourn* and *Charlstown* a cross the Country from *Wobourn* to *Medford*, and so all upon the East side of the Country Road to *Medford* Line, may be Erected into a separte and distinct Township, and that they may be indulged with the Priviledges usually Granted to New Townships, for the Reasons therein mentioned. Read, And

*Ordered*, That the Petitioners serve the Town of *Charlstown* with a Copy of this Petition, that they shew Cause (if any they have) on the first Tuesday of the next Fall Session of this Court why the Prayer of the Petition should not be Granted?

Sent up for Concurrence.

A Petition of *Benjamin Bagnald* and *Elizabeth* his Wife, *Thomas Edwards* & *Sarah* his Wife, of *Boston*, shewing that the Petitioners *Elizabeth* & *Sarah's* Grand-mother *Elizabeth Sharp* late of *Cambridge* in the County of *Middlesex* Widow, in and by her last Will devised to her only Daughter *Dorothy Shove* Mother of the Petitioners *Elizabeth* and *Sarah* and the Heirs of her Body lawfully Begotten in Taile now descended to the Petitioners, and some part of the said Lands being Sold *Anno* 1705, by Order of the Superiour Court for Payment of the said *Elizabeth's* Debts, the remaining part of said Lands lying in small Parcels remote from each other, and the Income being of little or no advantage to the Petitioners, Praying that this Court would cut off the Taile from the said Lands, for the Reasons therein mentioned, Brought down by *Thomas Fitch* Esq; Pass'd in Council, *viz.* In Council [ 49 ] *June* 17th. 1725. Read and Ordered, That the Prayer of the Petition be Granted, and that the Entail be and hereby is taken off from the Lands mentioned therein, Provided the Petitioners vest the Produce of the said Lands in some other real Estate of equal Value under the same Entail, and *Jonathan Dowse* Esq; with such as the Honourable House of Representatives shall join are a Committee to Value the said Land, and take care that the above-said Condition be performed.

Sent down for Concurrence. Read and Concurr'd, And  
Ordered, That *Jonas Bond* Esq; and Mr. *Andrew Bordman* be joined in the Affair.

A Petition of *Joseph Meader* for and in behalf of divers Indians of the Island of *Nantuckett*, shewing that this Court in their last Session upon a Hearing of several Indians of *Nantuckett* were pleased to refer the Consideration thereof to this Session, that so that Affair might be Accommodated, and some proposals having been made towards an Agreement, but no Accommodation made nor like to be, Praying that the Court would now take such Order for their relief in the Premises, as in their Wisdom shall seem meet, brought down by *Spencer Phipps* Esq; pass'd in Council, *viz.* In Council *June* 17th. 1725. Read and Ordered, That *Melatiah Bourne*, *Daniel Parker*, and *Peter Thatcher* Esqrs; be a Committee to repair to *Nantuckett* in the recess of this Court, and make Enquiry into the Matters complained of by the Indians of *Nantuckett*, and make Report to this Court at the next Fall Session, what may be proper to be done in Answer to the Petition of the said Indians, the Charge to be born as this Court shall order.

Sent down for Concurrence.

Read and Concurr'd.

Col. *Stoddard* from the Committee for Petitions, Reported, On the Accompt of the Commissioners that went to *Canada*, which was Read and Accepted, and thereupon

Resolved, That the Accomptants the Commissioners aforesaid be and hereby are discharged from the Sum of *Six Hundred Pounds* advanc'd and paid them

out of the publick Treasury by a *Resolve* of this Court the 23<sup>d</sup>. of *December* past, and that the Sum of *Five Pounds Two Shillings & Six Pence* be allowed and paid out of the publick Treasury to the Accomptants being the Ballance of their Accompt, in full discharge thereof. Sent up for Concurrence.

On the Accompt of the Commissioners and their Attendants that went to *Canada*, which was Read and Accepted, and *Resolved*, That the Sum of *Two Hundred Thirty Three Pounds Five Shillings & Nine Pence* be allowed and paid out of the publick Treasury to the said Commissioners and their Attendants to whom the same is respectively due agreeable to the within Accompt in full discharge thereof, the Sum of *Twenty Two Pounds Four Shillings* being subducted from *John Wells* for so much he is indebted to the Province. Sent up for Concurrence.

Two Accompts of Col. *Eleazer Tyng* for sundry Expresses in the Service of this Government, and for Entertaining several of the *Maquois* Squaws at his House.

Read and committed to the Committee for Petitions.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of Capt. *Joseph Heath*, as entred the 16<sup>th</sup>. which was read and Accepted, And *Resolved*, That the Wages thereof be allowed and paid out of the publick Treasury according to the said Report. Sent up for Concurrence.

On the Accompt of Capt. *Joseph Heath* for Disbursements, which was read and Accepted, and *Resolved*, That the Sum of *Thirteen Pounds Nine Shillings & Nine Pence* be allowed and paid out of the publick Treasury to Capt. *Joseph Heath* in full discharge thereof. Sent up for Concurrence.

On the Muster-Roll of Capt. *John Gyles*, which was Read and Accepted, and *Resolved*, That the Wages thereof be allowed and paid out of the publick Treasury according to the said Report. Sent up for Concurrence.

On the Muster-Roll of Capt. *Samuel Wright* as Entred Yesterday, which was read and Accepted, And *Resolved*, That the Wages and Subsistence thereof be allowed and paid out of the publick Treasury according to the said Report.

Sent up for Concurrence.

On the Muster-Roll of Capt. *John Penhallow* as entred Yesterday, which was Read and Accepted, and *Resolved*, That the Wages thereof be allowed and paid out of the publick Treasury accordingly. Sent up for Concurrence.

A Petition of the Proprietors of the Common & Undivided Lands in the Township of *Suffield*, shewing that in the Year 1713, in running the Line between this [ 50 ] Province and *Connecticut* Colony, a considerable Tract of Land was cut off from them, being part of the Grant of their Township and added to *Windsor* and *Simsbury* in *Connecticut*, praying that a Committee may be appointed to take a View and Survey of the Lands taken away as aforesaid, and that they may be relieved in the Premises as to the Justice of this Court shall seem meet.

Read and referred to the next Session for further Consideration.

An Accompt of *Mary Farwell* for Nursing and Attendance on *Jonathan Fisk*, a Soldier taken Sick in His Majesty's Service in *March* last, Amounting to 15*s*. Read and *Resolved*, That the Sum of *Fifteen Shillings* be allowed and paid out of the publick Treasury to *Mary Farwell* in full discharge of the said Accompt.

Sent up for Concurrence.

A Memorial of Mr. *George Hughes* Attorney at Law as entred Yesterday, with the Vote of the House thereon upon a Motion made was read again, And the Question was put, *Whether the House will Reconsider the said Vote?*

Resolved in the Affirmative.

*Resolved*, That the Sum of *Thirty Shillings* be allowed and paid out of the publick Treasury to Mr. *George Hughes* in Consideration of the extraordinary trouble he was at in drawing over the Indictment therein mentioned twice.

Sent up for Concurrence.

A Petition of *Nathaniel Brown* and *Joseph Peck* in the Name and by Order of the Town of *Rehoboth* in the County of *Bristol*, shewing that in the Year 1670, the Court of *Plymouth*, pursuant to a Reserve by them made in the Grant of *Swanzy* to be made a Township in 1667, upon some Controversy between *Rehoboth* and *Swanzy* about rating some Salt Meadows belonging to the Inhabitants of *Rehoboth*, did after a full Hearing of both Towns order and determine for final Issue of the Controversy that the said Meadows known by the Name of the *Hundred Acre Meadows*, notwithstanding they lay in *Swanzy*, yet they should still be rated to the Town of *Rehoboth*; and that the Town of *Barrington* under pretence of a Resolve pass'd *October 1723*. (the Town of *Rehoboth* not having had any Notice given them to make Answer) have taken upon them to rate the Petitioners Meadows towards defraying their Publick Charge, praying that this Court would please to repeal the said Resolve, that so the Town of *Rehoboth* may quietly enjoy that which they conceive to be their Right, or that they may have such other Relief as to the Wisdom of this Court shall seem meet. Read and referred to the Second Thursday of the next Fall Session of this Court, and that in the mean time the Petitioners serve the adverse Parties with a Copy hereof, that so they may then shew Cause why the Prayer of the Petition should not be Granted.

Sent up for Concurrence.

Col. *Stoddard* from the Committee for Petitions, Reported on the Accompt of Col. *John Schuyler* for his Expences and Disbursements on the Commissioners and their Attendants that went to *Canada*, as Entred the 11th. Currant, which was Read and Accepted, and thereupon *Resolved*, That the Sum of *Two Hundred and Two Pounds Seven Shillings* be allowed and paid out of the publick Treasury to Col. *John Schuyler* or his Order in full discharge of the said Accompt, and further that the Sum of *Twenty Pounds* be allowed and paid out of the publick Treasury to the said Col. *John Schuyler* or his Order in Consideration of his Extraordinary Trouble and Service in Entertaining the Commissioners, Inter-



preters, &c. according to the Information of the Commissioners, and of which Col. *Schuyler* has made no Charge.

Sent up for Concurrence.

On an Account of Col. *Schuyler* for sundry Expences and Disbursements for some of the Maquois, and Two Expresses from *Albany* to *New England* in the Service of this Province, which was Read and Accepted, and Resolved, That the Sum of *Thirteen Pounds Eleven Shillings & Three Pence half penny* be allowed and paid out of the publick Treasury to Col. *John Schuyler* or his Order in full discharge of the said Account. Sent up for Concurrence.

A Committee from the Honoured and Reverend the Overseers of *Harvard Colledge* were admitted into the House and acquainted them, that the Corporation of the said *Colledge* had made Choice of the Reverend Mr. *Benjamin Wadsworth* of *Boston* to be President of the said *Colledge*, that they had acquainted the Honoured and Reverend Overseers, who had Approbated their Choice, and had sent a Committee to wait on the Reverend Mr. *Wadsworth* and the Church of which he is Pastor, to know their Minds and Inclination in the Affair, and that the Church had Assembled and by a great Majority in the Vote had Expressed their Willingness to part with their Reverend Pastor on the great Occasion thereof, and that Mr. *Wadsworth* had also Accepted the Choice that was made of him to be President of the said *Colledge*, all which they laid down on the Table in Writing, and Recommended it to the serious Consideration of the House to Establish such a Sallary and Allowance for the Support and Maintenance of the said Reverend Mr. *Benjamin Wadsworth*, which might be Equal to the High and Important Office of Presidency of *Harvard Colledge* to which he was Chosen as aforesaid. And then they withdrew.

A Petition of *Benjamin Stevens*, *Andrew Mitchell*, *David Kimball*, *Ebenezer Eastman*, *John Osgood*, and *Moses Day*, a Committee appointed by and in behalf of the Petitioners formerly for a Tract of Land at a Place called *Pennycook*, as entred the 19th of *June* last, praying that the Vote of this House of the 19th. of *June* as aforesaid may be revived for the Reasons therein mentioned. Read, and the Question was put, *Whether the Prayer of the Petition shall be Granted?*

Resolved in the Affirmative,

And the following Vote pass'd, *Viz.*

*In Answer to the Petition of Benjamin Stevens, Andrew Mitchell, David Kimball, Ebenezer Eastman, John Osgood and Moses Day, a Committee appointed by and in behalf of the Petitioners formerly for a Tract of Land at a Place called Penny-cook, praying that this House would revive their Vote passed the 19th. of June last for the Grant of the said Tract of Land on a Petition then preferred by the Petitioners aforesaid,*

*Resolved, That the Tract of Land lying and being on Merrimack-River at a Place called Pennycook, lately surveyed and laid out by William Ward & John Jones in May 1722. Surveyors upon Oath by Order, be & hereby is granted unto*

One Hundred Persons, such as shall be admitted by the Committee hereafter named, and that the said Tract of Land as particularly delineated and described in the Plan herewith exhibited, be and hereby is erected into a Township, and that *John Wainwright* of *Ipswich* Esq; and Mr. *John Sanders* of *Haverhill* with such as shall be appointed by the Honourable Board be a Committee fully authorized and impowred by this Court, to allot and grant out to such Persons and only such as will effectually Settle the same within three Years next after the end of the present Indian War, giving the Preference to such of the Petitioners as in their Judgment may be most likely to make a Settlement, the Lots and Settlements to be laid out by said Committee, to be in as regular and defensible a Manner as the Nature and Circumstances of the Lands will admit and allow of, each Family to whom a Lot with the other Rights and Dividends are granted shall be obliged to build a good Dwelling House thereon and inhabit it, also to break up, and sufficiently fence in Three Acres of Land each, within the Term of Three Years as aforesaid, That there be reserved & laid out for the first settled Minister in said Town a convenient Lot, also a Lot for the School, and a Ministerial Lot in said Town, and the Settlers be obliged to build a convenient House for the publick Worship of GOD in said Town within the Term of Four Years. The Charge of the Committee to be paid by the Grantees, and that the Committee give publick Notice of the Time and Place of their Meeting to grant Allotments, Provided nevertheless, that in Consideration of the extent of the Grant and goodness of the Soil, and the Charge hitherto arisen in the Sur-[ 52 ]veying of the same, and taking the aforesaid Plan, The Settlers and Grantees shall be obliged and hereby are enjoined at their own Cost and Charge to erect, build and finish by the first Day of *May* next, a sufficient House well strengthned and fortifyed in some convenient Place on the Premises, and shall also pay and subsist Twenty able bodied effective Men well equipped with Arms, Ammunition &c. in said House, to be posted by the Commander in Chief for the Time being, for the Defence and Security of the Settlers to cover and protect them from the Invasions of the Enemy, and also a Guard and Defence to the Towns within, the Twenty Men as aforesaid to be Subsisted and Paid by the Grantees during the present Indian War and no longer.

Sent up for Concurrence.

Then the House Adjourned 'till to Morrow Morning Nine a Clock.

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Veneris Die 18. Junij, A. D. 1725.

A Petition of *Samuel Dickinson* of *Deerfield*, praying for some Allowance for his Loss he sustained being Captivated by the Indian Enemy at *Northfield* in *Octob.* 1723. and carried Captive to *Canada*, and the Charge he

was at in purchasing his Redemption.  
mittee for Petitions.

Read and committed to the Com-

A Petition of Capt. *Ebenezer Billing* of *Sunderland*, praying he may be allowed after the rate of 5 s. per Week for his Care and Conduct of a Scout in the Year 1723. for the reasons given. Read and committed to the Committee for Petitions.

A Petition of *Abiel Metcalf* Relict Widow of *Joseph Metcalf* of *Falmouth* late deceased, shewing that her late Husband at his Decease left the Petitioner with Seven Children all of them Minors and most of them very Young, that most of the personal Estate is gone to pay her Husbands Debts, and the real Estate though of a considerable Value if it were Sold, is so circumstanced that it is by no means probable that the Petitioner can by any means Support her self and small tho' numerous Family on the Annual Rents or Profits of it, praying that this Court would please to appoint and impower Messieurs *Jonathan* and *John Metcalf*, Brethren of her late Husband, to make Sale of the real Estate of which he dyed siezed for the Maintenance of her Children, the remainder for them when of Age, One Third of the Interest to be to her during her natural Life, and the Principal at her decease to be to the Children of her Husband, Pass'd in Council, viz. In Council June 18th. 1725. Read and Ordered, That the Prayer of the Petition be so far Granted, that Messieurs *Jonathan* and *John Metcalf* be and hereby are fully impowred to make Sale of the real Estate of the late Mr. *Joseph Metcalf* of *Falmouth* deceased, and to give good and sufficient Deeds in the Law for the same, Provided the said *Jonathan* and *John Metcalf* give Security to the Judge of the Probate of Wills for the County of *Barnstable* for the faithful performance of their Trust, one Third part of the Interest or Profits of the Money produced by the said Sale to be for the Support of the Widow (the Petitioner) during her Life, the other two Thirds for the Maintenance and Education of the Children, the Principal to remain intire 'till the Children come of Age, and then to be divided to and among them as the Law directs. Sent down for Concurrence.

A Petition of the Select-Men of *Dunstable*, praying that the Subsistence in Col. *Tyng's* Muster-Roll to be presented to this Court in their present Session be Charged at *Seven Shillings* per Week per Man for the reasons therein mentioned. Read,

And the Question was put, *Whether the Prayer of the Petition shall be Granted?*

It pass'd in the Negative.

The Message from the Overseers of *Harvard-Colledge*, as entred last Night was considered, Whereupon the following Vote pass'd,

*Resolved*, That Mr. Speaker, Mr. *Lewis*, Mr. *Remington*, Mr. *Quincy*, and Mr. *Wainwright*, with such as the Honourable Board shall appoint be a Com-

mittee in the Recess of this Court to Inquire into and Examine the state of [ 53 ] the Colledge Treasury and Revenues, and how the same is appropriated and disposed of, to Inquire into the Rents and Profits of the *New Colledge* or *Massachusetts-Hall*, and whether they have been Expended, and for what Uses; And the said Committee are hereby impowred to look out a suitable House for the Reception of the President, and know what the same may be had for, and make Report of the whole to this Court in their next Session, that so an Honourable Settlement and Support may be allowed for the Reverend the President of *Harvard-Colledge*, which is the full Intention of this Court, and that there be allowed and paid out of the publick Treasury the Sum of *One Hundred and Fifty Pounds* to the Reverend Mr. *Benjamin Wadsworth* to Enable him to Enter upon and Manage the great Affair of President of *Harvard-Colledge* to which he is Appointed. Sent up for Concurrence, by Mr. *Clark*, Mr. *Cushing*, Capt. *Rolfe*, and Major *Burrell*.

*Jonathan Dowse* Esq; brought down the Petition of *John Sheffield* of *Tiverton*, as entred the Ninth Currant, pass'd in Council, *viz.* In Council *June 18th. 1725.* Ordered, That the Consideration of this Petition be referred to the next Fall Session, and that the adverse Party give in his Answer the first Tuesday of the said Session.

Sent down for Concurrence. Read and Concurr'd.

A Muster Roll of the Company in His Majesty's Service under the Command of Col. *Eleazer Tyng* Captain. Read and committed to the Committee for Muster-Rolls.

Mr. *Lindall* from the Committee to consider of the Complaints against Col. *Harman*, returned the Papers according to Order,

*Voted*, That the Consideration of the Complaints against Col. *Johnson Harman* by referred to the next Fall Session of this Court: And inasmuch as it seems very Evident to the House by the Oaths of several Persons taken while Col. *Harman* was present that he has been guilty of divers indirect Practices, That His Honour the Lieut. Governour and Commander in Chief be desired to give his Orders to the two Complainants *Hugh Holman* and *Joseph Cross*, together with Lt. *Jaques* and Serjeant *Runnells*, that they do attend on this Court at that Session, that so the whole Matter may be set in a true Light and Justice may be done to all concerned.

Sent up for Concurrence.

An Accompt of *John Fosdick* Smith, for sundry Repairs for the Province House where the Lieut. Governour lives, amounting to *l.5 2s. 2d.* Read, And

*Resolved*, That the Sum of *Five Pounds Two Shillings & Two Pence* be allowed and paid out of the publick Treasury to *John Fosdick* the Accomptant in full discharge of the said Accompt. Sent up for Concurrence.



An Accompt of *Robert Forrester* Joyner, for sundry Repairs to the Province House, amounting to *l.33 15s. 3d.* Certified by Mr. Sheriff *Winslow*. Read, and

*Resolved*, That the Sum of *Thirty Three Pounds Fifteen Shillings & Three Pence* be allowed and paid out of the publick Treasury to *Robert Forrester* the Accomptant in full discharge of the within Accompt. Sent up for Concurrence.

A Petition of *William Whiting* and *John Ashley* and Partners, praying as entred the *16th of June 1724.* and referred to this Session. Read and referred to the next *May* Session for further Consideration.

A Bill Entitled, *An Act in Addition to an Act or Law of this Province, made in the Fourth Year of the Reign of the late King William & Queen Mary, Entitled, An Act for Regulating of Townships, Choice of Town-Officers, and setting forth their Power, and for Repealing One Clause contained in the said Act.*

Read and referred to the next Fall Session for further Consideration.

An Accompt of *Samuel Tiley* for Writing in the Service of this Court from the *11th. of December* past to this Time, amounting to *l.18 15s.* Read, And

*Resolved*, That the Sum of *Eighteen Pounds Fifteen Shillings* be allowed and paid out of the publick Treasury to the Accomptant *Samuel Tiley* in full discharge thereof. Sent up for Concurrence.

*Resolved*, That the Sum of *Fifteen Pounds* be allowed and paid out of the publick Treasury to Capt. *John Foster* by him to be employed for repairing this Pro-[ 54 ]vince's part of the Bridge over *Patucket*, a River between *Rehoboth* and *Providence*, part of the Repairs belonging to the Colony of *Rhode-Island*, and the said Capt. *Foster* to Accompt for the Expence of the Money.

Sent up for Concurrence.

### Post Meridiem.

A Bill Entitled, *An Act for Granting unto His Majesty a Duty upon Rhum or Spirits Distilled from Molosses within this Province.* Read a first Time.

*Resolved*, That the Sheriff of the County of *Suffolk* do forthwith dispose of the several Indian Prisoners in the Common Goal of this County to any Persons in this Province, that will take them or any of them, and keep them to Service and save the Charge the Province is now put to for their Support, the said Indians to be returned when this Court shall see cause. Sent up for Concurrence.

A Message from His Honour the Lieut. Governour by *Addington Davenport* Esq; That His Honour desires the House would pass upon the Momentous Affairs of the Province before them, that the Court may Rise to Morrow.

*Ordered*, That Mr. *Lewis* go up with a Message to the Honourable Board to desire they would send down the Draught of the Address the Court have *Voted* to be Presented to His Majesty, if the Board have pass'd on it.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Accompt of Disbursements of Capt. *John Giles* at *Fort-George* as entred the 16th. for haling Wood for the Use of the said Fort, which was Read and Accepted, And

*Resolved*, That the Sum of *Sixteen Pounds Five Shillings & Ten Pence* be allowed and paid out of the publick Treasury to Capt. *John Gyles* in full discharge of the said Accompt. Sent up for Concurrence.

On the Indent of Capt. *John Gyles* for Stores for His Majesty's *Fort George* at *Brunswick*, *Resolved*, That Mr. Treasurer *Allen* be impowred and directed to Supply so much of the Stores within mentioned as are necessary for the Supply of *Fort George*, Capt. *John Gyles* Commander, the said *Gyles* to be Accountable for the Expences of the Stores. Sent up for Concurrence.

A Message from the Honourable Board by *Nathaniel Byfield* and *Samuel Browne* Esqrs; That the Board have considered the Vote of the House for referring the Consideration of the Complaints against Col. *Johnson Harman* to the next Session, and the Estople laid on the Wages of the said Col. *Harman* and his Son and Servants, and the Board are of Opinion that it will be time enough to put a stop on the Wages which may be due to the said *Harman* at the next Fall Session of this Court, when he will present his Muster-Roll, and by the Vote of the House the Complainants &c. are to Appear, The said Gentlemen brought down Col. *Harmans* Muster-Roll with the desire of the Board that the House would reconsider their Vote thereon, respecting the Estople on Col. *Harman's* Wages &c.

The House Entred into the Consideration of the above Message, and after a Debate thereon, the Question was put, *Whether the House would reconsider their Vote on the Muster-Roll of Col. Johnson Harman?* It pass'd in the Negative.

*Ordered*, That Col. *Stoddard*, Mr. *Phillips*, and Capt. *Goddard*, carry up Col. *Harmans* Muster Roll, and acquaint the Honourable Board of the Reason why the House have not reconsidered their Vote according to the desire of the Board. Who returned they had delivered the Message to the Board.

Col. *Stoddard* from the Committee for Petitions, Reported, On the Accompt of *David Melvil* for keeping sundry Indian Prisoners in His Majesty's Goal in *Boston* from the 28th. of *November 1724.* to the 10th. of *June 1725.* which was Read,

And the Question was put, *Whether the House will accept the said Report?*

It pass'd in the Negative.

On the Accompt of *David Melvil* for keeping *Maurice Fitz Gerald*, which was Read and Accepted, and *Resolved*, That the Sum of *Seventeen Pounds Ten Shil-*

*lings* be allowed and paid out of the publick Treasury to the Accountant *David Melvil* which is in full for keeping the said *Maurice Fitz Gerald*.

Sent up for Concurrence.

On the Petition and Accompt of *David Melvil* for keeping Two Pirates in His Majesty's Goal in *Boston* as Entred the 15<sup>th</sup>. which was Read and Accepted, and [ 55 ]

*Resolved*, That the Sum of *Thirty Three Pounds One Shilling & Five Pence* be allowed and paid out of the publick Treasury to the Accountant *David Melvil*, which is *Five Shillings* per Week, besides Extraordinary's, and is in full discharge of said Accompt. Sent up for Concurrence.

*Voted*, That the *Platform* together with the Results of the several *Synods*, be Imprinted in a Small Volumn, and that Mr. *Lewis*, Mr. *Cushing*, and Mr. *Tay* be a Committee to take care of the Press in order thereto, and that a sufficient Number be forthwith imprinted for the several Towns and Churches within this Province.

Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported,

On the Memorial of Capt. *Thomas Wells* of *Deerfield*, for his Charges &c. in raising a Company of Voluntiers as Entred the 16<sup>th</sup>. which was Read and Accepted, And *Resolved*, That the Sum of *Seven Pounds* be allowed and paid out of the publick Treasury to Capt. *Thomas Wells* in full Satisfaction of the Particulars mentioned in the Memorial. Sent up for Concurrence.

On the Accompt of Dr. *George Pemberton* as entred the 12<sup>th</sup>. Currant, which was Read and Accepted, And *Resolved*, That the Sum of *Forty Six Pounds Twelve Shillings* be allowed and paid out of the publick Treasury to Dr. *George Pemberton* in full discharge of the said Accompt. Sent up for Concurrence.

On the Muster-Roll of Capt. *Samuel Jordan*, which was Read and Accepted, and

*Resolved*, That the Wages thereof be allowed and paid out of the publick Treasury according to the said Report. Sent up for Concurrence.

A Petition of *Eleazer Ring*, *Joseph Holmes*, *Gershom Bradford*, and *Joseph Michell*, Agents for and in behalf of the North Precinct in *Plymouth*, shewing that they Petitioned this Court in *May 1717*, that they might be made a Township or Precinct, and a Committee appointed to view the Lands Petitioned for as aforesaid, and reported their Opinion that the Lands should be Erected into a Township, but it was the pleasure of this Court then to Grant a Precinct only, that they are obliged to pay Rates in Four Towns, besides labouring under many Difficulties and other Disadvantages, Praying that the said Precinct may be Erected into a Township and that they also may have and receive their proportion of *1.630* worth of Common Land, which Money was to be and is Let out for the Maintenance of a School.

Read, Also a Petition of Remonstrance of the Town of *Plymouth*, setting forth their Reasons why the Prayer of the aforesaid Precinct should not be Granted. Read.

And in Answer to the Petition of the North Precinct in *Plymouth*, Ordered, That the Consideration of this Petition be referred to the Second Friday of the next Fall Session, and that in the mean time the Petitioners Serve the Four Towns within referred to with a Copy of the said Petition, that so they may then give in their Reasons why the Prayer thereof should not be Granted.

Sent up for Concurrence.

Mr. *Lewis* from the Committee appointed to take under Consideration the several Accompts of the Trustees & Commissioners of the £50,000, and £100,000 Loans which have been or shall be presented for Allowance,

Reported as follows, *Viz.*

On the Accompt of the Trustees of the £50000 Loan, beginning the 7th. of June 1723. and ending the 23d of November 1724. amounting in the whole to Three Thousand One Hundred Seventy Three Pounds Six Shillings and Three Pence, (whereof Two Thousand One Hundred Thirty two Pounds Ten Shillings & three pence is in part of Principal, and One Thousand Forty Pounds Sixteen Shillings Interest,) by which Accompt it appears that the said Trustees have Expended Forty two Pounds One Shilling & eight pence in Law-Suits, and Thirty five Pounds Ten Shillings paid themselves their due by Law for their Service &c. The remaining Sum of Three Thousand Ninety five Pounds Fourteen Shillings & seven pence was paid into the publick Treasury, The Committee are therefore of Opinion that the said Trustees be discharged of the aforesaid Sum of Three Thousand One Hundred Seventy three Pounds Six Shillings & three pence Read and Accepted, And [ 56 ]

Resolved, That the Trustees the Accomptants be and hereby are discharged of the said Sum of Three Thousand One Hundred Seventy three Pounds Six Shillings & three pence accordingly. Sent up for Concurrence.

On the several Accompts of the several Commissioners of each County for the £100,000 Loan, *Viz.*

On Two Accompts of the Commissioners for the County of *Suffolk*, beginning the 13th. of February 1720,1. and ending the 13th. of February 1722,3. whereby it appears that the said Commissioners have received of sundry Persons for Interest of the said Loan the said Years the Sum of £3189 16s. 1d. and have paid into the Treasury the Sum of £3058 9s. 11d. and Accompt for the remaining £131 6s. 2d. as follows, *viz.* £111 10s. 8d. their due by Law, and £8 for Book-keeping, and £9 15s. 6d. Charges of Law-Suits, and also £95 outstanding Interest Money, The Sum of £527 18s. 6d. of the Principal being in their hands, and not Let out. Read and Accepted, And



*Resolved*, That the said Accompts be allowed, and that the said Commissioners be discharged accordingly, excepting the Articles of *l.9 15s. 6d.* for Law Suits, and *l.95* outstanding Interest Money, which they are still Accomptable for.

Sent up for Concurrence.

On an Accompt of the Commissioners for the County of *Middlesex*, ending *Feb. 13th. 1723,4.* whereby it appears that the said Commissioners have received of sundry Persons for Interest of the said Loan the Sum of *l.859 3s. 11d.* and have paid into the Treasury the Sum of *l.775 13s. 9d.* thereof, and Accompt for the remaining *l.83 10s. 2d.* as follows, *viz. l.40 17s.* their due by Law, *l.8* for Book-keeping, and *l.34 13s. 2d.* for Law Suits, with the Sum of *l.105 4s.* so much not yet Accompted for of the Sum of *l.111 6s. 10d.* for Charges of Law Suits as by their Accompts passed the *11th. of December*, as also the Sum of *l.910 16s. 5d.* (including the Sum of *l.731 2s. 11d.*) being the whole of the outstanding Interest Money, and making in the whole the Sum of *l.1050 13s. 7d.* The said Commissioners are still Accomptable for, the Sum of *l.34 15s.* of the Principal being in their hands and not Let out. Read and Accepted, And

*Resolved*, That the said Commissioners the Accomptants be and hereby are discharged from the said Sum of *Eight Hundred Fifty Nine Pounds Three Shillings and Eleven Pence*, excepting the Article of *l.34 13s. 2d.* for Law Suits which they are still Accomptable for, as also for the Sum of *One Thousand & Fifty Pounds Thirteen Shillings & Seven Pence* outstanding Interest Money on this and the last Accompt passed *December 10th. 1723.* Sent up for Concurrence.

On Two Accompts of the Commissioners for the County of *Hampshire* ending *February 13th. 1724,5.* whereby it appears that the said Commissioners have received of sundry Persons for Interest of the said Loan the Sum of *l.496 12s. 8d.* and Accompt for the same as follows, *viz. l.24 1s. 1d.* their due by Law, and *l.8* for Book-keeping, the remaining Sum of *l.364 11s. 7d.* together with the Sum of *l.501 8s. 6d.* so much in their hands which they received for Interest as by their last Accompts, pass'd the *10th. of December 1723.* and were then Ordered forthwith to pay the same into the Treasury, notwithstanding which they have since paid but *l.195 18s.* so that there now remains in their hands of Interest Money, the Sum of *l.770 2s. 1d.* and they are also further Accomptable for the Sum of *l.27 10s. 9d.* for Interest Money, and *l.13 5s.* for putting in Suit *l.230* Principal Money for which they recovered Judgment, as by their last Accompt pass'd the *10th. of December 1723,* the Sum of *l.114 5s. 4d.* of the Principal being in their hands and not Let out. Read and Accepted, And

*Resolved*, That the Accomptants the Commissioners be and hereby are Ordered and Required forthwith to pay in to the Treasurer the Sum of *Seven*

*Hundred and Seventy Pounds Two Shillings & One penny* so much Interest Money now in their hands, as they will avoid a Prosecution in the Law for recovery of the same.

Sent up for Concurrence. [ 57 ]

On the Accompts of the Commissioners for the County of *Plymouth*, beginning the 13th. of *February* 1720,1. and ending the 13th. of *February* 1723,4. whereby it appears that the said Commissioners have received of sundry Persons for Interest of the said Loan, and Charges of Law Suits including the *l. 14 16s.* so much they were accomptable for, for Charges of Law Suits by their last Accompts, passed the 10th of *December* 1723. the Sum of *l. 945 14s. 8d.* and have paid into the publick Treasury the Sum of *l. 882 4d.* thereof, and accompt for the remaining *l. 63 14. 4d.* as follows, viz. *l. 23 12s. 2d.* their due by Law, *l. 18 15s. 8d.* for Book-keeping and Paper, *l. 21 6s. 6d.* Charges of Law Suits, *l. 10 16s. 6d.* part of the said Sum of *l. 21 6s. 6d.* the Committee are of Opinion that the said Commissioners are still accomptable for, as also the Sum of *l. 181 15s. 1d.* so much due to the Province for outstanding Interest, including the Sum of *l. 92 16s.* outstanding Interest in their last Accompts, and that the Commissioners are further accountable for the Sum of *l. 3* so much disallowed in their last Accompt, passed *December* the 10th 1723. for travelling Expenses, &c. The Sum of *l. 67* of the Principal being in their Hands and not let out. Read and Accepted. And

*Resolved*, That the Commissioners the Accomptants be and hereby are discharged accordingly of the Sum of *Nine Hundred Forty Five Pounds Fourteen Shillings and Eight Pence*, excepting the Articles of *One Hundred Eighty One Pounds Fifteen Shillings and One Penny* Interest Money outstanding, and *Ten Pounds Sixteen Shillings and Six Pence*, part of the *l. 21 6s. 6d.* charged for Law Suits, making in the whole the Sum of *One Hundred Ninety Two Pounds Eleven Shillings and Seven Pence*, which they are still to be accomptable for. Sent up for Concurrence.

On the Accompt of the Commissioners for the County of *Bristol*, The Committee find that they have paid Mr. Treasurer the *l. 13 6s.* disallowed in their last Accompt, ending *February* the 13th. 1720. which they presented to this Court at their Session held *November* 2d 1720. and having four more of their Accompts beginning the 13th of *February* 1719,20. and ending the 13th of *February* 1723,4. committed, by which it appears that the said Commissioners have received of sundry Persons for Interest of the said Loan, the Sum of *l. 1727 5s. 4d.* and have paid into the Treasury the Sum of *l. 1636 18s. 10d.* and account for the remaining *l. 90 5s. 6d.* as follows, viz. *l. 70 5s. 6d.* their due by Law, and *l. 20* for Book-keeping, the Sum of *l. 1 5s.* of the principal Money being in their Hands and not let out. Read and accepted. And

*Resolved*, That the Commissioners the Accomptants be and hereby are dis-

charged from the said four Accompts in the several Articles thereof, the Sum of *One Pound Five Shillings* of the principal Money being in their Hands and not let out.

Sent up for Concurrence.

On Three Accompts of the Commissioners for the County of *Barnstable* beginning the 13th of *February* 1720,1. and ending *February* 13th 1723,4. whereby it appears that the said Commissioners have received of sundry Persons for Interest of said Loan the said Years, the Sum of *l.1024 7s. 6d.* and have paid into the Treasury the Sum of *l.965 6s. 5d.* and accmpt for the remaining *l.59 1s. 1d.* as follows, *viz. l.37 1s. 1d.* their due by Law, *l.22* for Book-keeping, and also *l.22 15s* outstanding Interest Money, the Sum of *l.99 18s. 2d.* of the Principal being in their Hands and not let out. Read and accepted, And

*Resolved*, That the Commissioners the Accomptants be and hereby are discharged of the said Sum of *Ten Hundred Twenty Four Pounds Seven Shillings and Six Pence* the Sum of *Twenty Two Pounds Fifteen Shillings* exclusive thereof, being Interest Money still outstanding, for which they are to be accomptable.

Sent up for Concurrence.

On Four Accompts of the Commissioners for the County of *York* beginning the 13th of *February* 1720,1. and ending the 13th of *February* 1724,5. whereby it appears that the said Commissioners have received of sundry Persons for Interest of said Loan the said Years, the Sum of *l.102 16s. 7d.* and have paid into the Treasury the Sum of *l.90 10s. 7d.* and accmpt for the remaining *l.12 6s.* as follows, *viz. l.4 6s.* their due by Law, & *l.8* for Book-keeping, the Sum of *l.33 12s. 6d.* being due for Interest Money outstanding, the Sum of *l.466* of the Principal Mo-[ 58 ]ney being then in their Hands and not let out, the Article of *l.33 12s. 6d.* the Committee are humbly of Opinion the Commissioners are still Accomptable for.

Read and accepted, And

*Resolved*, That the Commissioners the Accomptants be and hereby are discharged of the said several Accompts in the several Articles thereof, excepting the Sum of *l.33 12s. 6d.* outstanding Interest Money, which they are still to be Accomptable for. Sent up for Concurrence.

Then the House Adjourned 'till to Morrow Morning Nine a Clock.

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**Sabbati Die 19. Junij, A. D. 1725.**

**A** Motion was made and seconded by many Members that the Vote of the House of the Tenth Currant for Non-concurring the Vote of the Honourable Board for accepting a Report of *John Chandler* Esq; appointed by this Court in their last Session to survey and lay out unto *William Jencks* Esq; and his Associates, the nine Hundred Acres of Land granted them within this Prov-

ince the 11th of *December* past, and the Question was put, *Whether the House will reconsider their Vote for Non concurring the Vote of Council on the said Report.* Resolved in the Affirmative.

Then the Question was put, *Whether the House will concur with the Vote of Council thereon,* Resolved in the Affirmative with an Amendment, *viz.*

*Provided* it do not interfere with any Grant of this Court to the Town of *Mendon.* Sent up for Concurrence.

*Voted,* That a Message be sent up to his Honour the Lieut. Governour to desire He would please to give His Orders to the proper Officers (if not already done) for the Reduction of the Troops and Troopers, agreeable to the desire of this Court pass'd the 22d of *December* last past.

Sent up by Capt. *Dwight.*

*Jonathan Dowse* Esq; brought down the Petition of *Nathaniel Ayers* of *Boston*, with the Votes of both Houses thereon, as entred the 15th Currant, passed in Council, *viz.* In Council *June* 18th 1725. Read again, with Mr. *Read's* Answer thereto, and the same being duly considered,

*Ordered,* That the Prayer of the Petition be so far granted as that the Petitioner be and hereby is impowred to have a Tryal of the Cause mentioned in the Petition upon the merits at the Inferiour Court of Common Pleas for the County of *Suffolk* to be held in *October* next, and that the Justices of the said Court are authorized and directed to hear and determine the said Cause accordingly, and that Execution on the Judgment by Default may be stayed in the mean time, any Law, Usage or Custom to the contrary notwithstanding, *provided,* the Petitioner give seasonable Notice to the adverse Party. Sent down for Concurrence. Read and Concurred.

*Penn Townsend* and *Daniel Oliver* Esqrs; brought down a Petition of several Inhabitants of *Boston*, shewing that the Dwelling House wherein *Anthony Checkley* Esq; lately dwelt formerly belonging to Mr. *Benjamin Gibbs* in Hanover-Street is ruinous and much gone to decay, that the Petitioners are in continual fear lest the said House should fall down and kill their Children who frequently play in and about the same, that it has been Presented by the Grand Jury as a Common Nuisance, praying that this Court would please to give Order that the said House may be pulled down, for the Reasons therein mentioned, Which was Accompanied with a Letter from the Administrator on the said Estate, and also a Certificate from Messieurs *Nathaniel Goodwin* and *William Young*, [ 59 ] who at the Desire of His Honour the Lieut. Governour and Council had viewed the same and were of Opinion, that it was in great danger of falling down, unless speedily shored up or pulled down, pass'd in Council *June* 19th. 1725. Read and *Ordered,* That the Administrator or the Persons interested in the House complained of in this Petition take care to pull down the said House or sufficiently secure it from falling, and hurting any Persons, by the first Day of *July* next,



and in case the Administrator and other Persons concerned shall neglect to do the same that the Sherriff of the County of *Suffolk* employ some Persons to pull it down forthwith after the said first of *July*, and that they be paid for their Trouble out of the Materials of the said House.

Sent down for Concurrence.

Read and Concurr'd.

An Account of Mr. *Jonathan Pierpont* for his Service in Officiating as Chaplain to the Forces Eastward from *Nov 28th. 1724. to June 4th.* Currant, 27 Weeks, at 30s. per Week.

Read and Resolved, That the Sum of *Forty Pounds Ten Shillings* be allowed & paid out of the publick Treasury to Mr. *Jonathan Pierpont* in full Discharge of the said Account.

Sent up for Concurrence.

An Account of Dr. *Thomas Hastings* for sundry Medicines Expended in His Majesty's Service since last *November* at Fort *Dummer, Northfield & Deerfield*, and something already received, the Ballance due being *l. 12 7s.*

Read,

And

Resolved, That the Sum of *Twelve Pounds Seven Shillings* be allowed and paid out of the publick Treasury to Dr. *Thomas Hastings* in full discharge of the said Account.

Sent up for Concurrence.

An Account of *Samuel Chamberlaine* for himself and 17 Men who Marched out in pursuit of the Indian Enemy when Lieut. *French* and others were Slain, amounting to *l. 11 10s.* and praying Allowance for the same, being Four Days in the Service.

Read.

And

Resolved, That the Sum of *Eleven Pounds Ten Shillings* be allowed and paid out of the publick Treasury, to Mr. *Samuel Chamberlaine* to be by him paid to the Persons to whom the same is due in full discharge of the Service within mentioned.

Sent up for Concurrence.

A Memorial signed *William Lambert* Comptroller of His Majesty's Customs in the Port of *Boston*, praying as entred the 16th Currant. Read again and referred to the next Fall Session for further Consideration.

A Petition of several Merchants, Distillers and other Inhabitants of *Boston* and *Charlestown*, shewing that they are informed there is a Bill lying on the Table having had a Reading, which obliges the Distillers to pay a Duty of *Three Pence* per Gallon for *Rhum* distilled within this Province, which they conceive will tend to prejudice the Trade of the Merchants and be very injurious to the Inhabitants, praying that they may have time granted them to give in their Reasons against the Bill, before it pass to be enacted.

Read.

And

Ordered, That the Petitioners have Liberty to send in their Reasons against the Bill within mentioned on Tuesday next at ten of the Clock before Noon.

A Bill entitled *An Act for granting to his Majesty a Duty upon Rhum and other Spirits distilled from Molasses within this Province.*

Read a second

Time.

The Petition of *David Melvil* Prison keeper, and his Accompt of keeping several Indian Prisoners in His Majesty's Goal in *Boston*, amounting to *l.69 6s. 4d.* with the Report of the Committee thereon, as entred yesterday and not accepted.

Read again. And the Question was put, *Whether any Allowance shall be made to the said David Melvil on the Accompt hereto annexed?*

It passed in the Negative unanimously.

Mr. *Lewis* from the Committee for Muster Rolls, Reported,

On the Muster Roll of the Company in His Majesty's Service under the Command of Lieut. *Peter Oliver*, as entred yesterday, which was Read and Accepted and *Resolved*, That the Wages thereof be allowed and paid out of the publick [ 60 ] Treasury to the Officers and Soldiers born on the within Roll agreeable to the above Report to whom the same is respectively due in full discharge of the Wages thereof. Sent up for Concurrence.

On the Muster Roll of Col. *Eleazer Tyng* as entred yesterday, which was Read and Accepted, and *Resolved*, That the Wages and Subsistence thereof be allowed and paid out of the publick Treasury to Col. *Eleazer Tyng* to be by him repaid to the Officers & Soldiers born on this Roll, and to the Persons that have subsisted the Men born on said Roll, agreeable to the Report, in full discharge of the Wages and Subsistence thereof. Sent up for Concurrence.

On an Accompt certified by Mr. *Westwood Cooke*, for Ferrage for six *Connecticut* Horses, and Ferrage of Men, in the Service of the Province at *Hadley* in the Year 1724. amounting to 28s. which was Read and Accepted. And

*Resolved*, That the Sum of *Twenty Eight Shillings* be allowed and paid out of the publick Treasury to Mr. *Westwood Cooke* to be by him paid to whom the same is due in full for the Ferrage of the said Men and Horses.

Sent up for Concurrence.

On the Memorial of Capt. *Ebenezer Billings* as entred yesterday, which was Read and Accepted, And

*Resolved*, That the Sum of *Six Pounds Three Shillings and Six Pence* be allowed and paid out of the publick Treasury to Capt. *Ebenezer Billings* in full for the Service mentioned in the Memorial. Sent up for Concurrence.

*Ordered*, That a Message be sent up to His Honour and the Honourable Board to desire they would pass upon what Business lies before them, that the Court may rise to Day, the House having done what Business has been before them.

Col. *Stoddard* from the Committee for Petitions, Reported,

On the Accompt of *Nathan Knight* of *Scarborough*, as entred the 16th which was Read and Accepted, and *Resolved*, That the Sum of *Eight Pounds Two Shillings and Three Pence* be allowed and paid out of the publick Treasury to the Accomptant *Nathan Knight* in full discharge of the within Accompt.

Sent up for Concurrence.

On an Accompt of *Peter Walton*, for mending and repairing the Whale-boats in His Majesty's Service Eastward, as Entred the 16th. which was Read and Accepted, and *Resolved*, That the Sum of *Eight Pounds Five Shillings* be allowed and paid out of the publick Treasury to the Accomptant *Peter Walton* or his Order in full discharge of the within Accompt. Sent up for Concurrence.

Col. *Chandler* from the Committee to whom was referred two Accompts of Dr. *George Pemberton* and Dr. *Thomas Bulfinch*, for looking after Dr. *Negus* and Dr. *Ellis*, the last Year, but by Accident the Court did not pass on the said Accompts, made Report thereon, which were Read and Accepted, And *Resolved*, That the Sum of *Six Pounds Two Shillings and Six Pence*, viz. *Twenty Two Shillings & Six Pence* to Dr. *Bulfinch*, the remaining to Dr. *Pemberton*, be allowed and paid out of the publick Treasury to discharge the said Accompts in full. Sent up for Concurrence.

Then the House adjourned till Monday next Three a Clock Afternoon.

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Lunæ Die 21. Junij A. D. 1725.

AN Accompt of Capt. *Richard Bourn* for his Expences, Disbursements and Premiums in and upon the Thirteen Indians raised for His Majesty's Service, by Order of His Honour the Lieutenant Governour. Read and committed to the Committee for Petitions.

Col. *Stoddard* from the Committee for Petitions, Reported,

On the Petition of *Rich. Hunt* for some Allowance on account of his Horse Wounded in the Service of the Province, as entred the 17th. Currant, which was Read and Accepted, And *Resolved*, That the Sum of *Four Pounds* be allowed & paid out of the publick Treasury to the Accomptant *Richard Hunt* in full for his Horses Journey and damage he hath sustained. Sent up for Concurrence. [ 61 ]

On the Accompt of *Ephraim Bosworth* Agent for the Town of *Hull*, for ballast for repairing *Castle William* and the *Light House*, as entred the 15th. which was Read and Accepted. And *Resolved*, That the Sum of *Eight Pounds* be allowed and paid out of the publick Treasury to the Accomptant *Ephraim Bosworth* in full discharge of the within Accompt. Sent up for Concurrence.

On the Petition of *Samuel Dickenson* of *Deerfield*, for the Loss he sustained by reason of his being captivated by the Indian Enemy, as entred the 18th Currant, which was Read and Accepted, And *Resolved*, That the Sum of *Fifteen Pounds* be allowed and paid out of the publick Treasury to the said *Samuel Dickenson*, in Consideration of his leaving his Affairs in *Canada* to his disadvantage, and coming with great speed to *New England*, to give account of

divers Parties of the Enemy coming on our Frontiers. Sent up for Concurrence.

On the Accompt of Col. *Eleazer Tyng* for sundry of the *Maquois* Squaws, and transporting the Province Stores from *Boston* to *Dunstable*, as entred the 17th. which was Read and Accepted. And *Resolved*, That the Sum of *Forty Shillings* be allowed and paid out of the publick Treasury to Col. *Eleazer Tyng* for conveying Stores from *Boston* to *Dunstable*, and that the within mentioned Indians Wages be made payable to the said Col. *Tyng*, to enable him to pay himself what is reasonable for the Squaws Subsistence (it not being a proper Charge of the Government) he to pay the said Indians the remainder of their Wages.

Sent up for Concurrence.

On the Accompt of Col. *Tyng* for sundry Expresses in His Majesty's Service, Horse hire, making Canoes, &c. which was Read and Accepted, And *Resolved*, That the Sum of *Nine Pounds Three Shillings* be allowed and paid out of the publick Treasury to Col. *Eleazer Tyng* in full discharge of the within Accompt.

Sent up for Concurrence.

On the Report of Capt. *William Ward* Surveyor, appointed to survey a certain Tract of Land joining to the West Line of the Town of *Mendon*, Sold by a Committee of this Court to Dr. *William Douglass*, as entred the 8th of *December* last, The Committee find by Mr. *William Ward* that the Tract of Land sold to Dr. *William Douglass* and Associates for Eleven Hundred and One Acres, for which they paid 4s. per Acre, as appears by their Deed, contains but Nine Hundred and Five Acres, which is One Hundred & Ninety six Acres less than they paid for, they are therefore of Opinion that agreeable to a Resolve of this Court the last *November* Session, the Treasurer be directed to refund and pay back to Dr. *William Douglass* for himself and Associates the Sum of *Thirty Nine Pounds Four Shillings*, and that he take Care that a Receipt be endorsed on said Deed, and that the Evidence of the Repayment of the Money may appear with the Deed, They are further of Opinion, that the Sum of *Seven Pounds Two Shillings and Nine Pence* (the Charges of the survey) be paid out of the publick Treasury to Dr. *William Douglass* to be by him repaid to those to whom it is respectively due. Read & Accepted. And

*Resolved*, That the Sum of *Thirty Nine Pounds Four Shillings* be allowed and repaid out of the publick Treasury to Dr. *William Douglass* and his Associates in lieu and in full satisfaction of One Hundred and Ninety six Acres of Land, so much fallen short of the Quantity Sold him by the Committee, that the Treasurer be directed to see that the Receipt of the said Money be indorsed on the Original Deed, that so the Re payment of the Money may appear, and further that the Sum of *Seven Pounds Two Shillings* be allowed and paid out



of the publick Treasury to Dr. *William Douglass* for the Charge of the Survey to be by him paid to whom the same is respectively due in full discharge thereof. Sent up for Concurrence.

A Bill Entitled, *An Act to prevent the unnecessary Journeying of Representatives, and for the more Speedy and Safe Conveyance of the Laws, Tax Acts, Treasurer's Warrants, and Proclamations for Fasts and Thanksgivings, and to Establish the Fees for the same.* Read a Second Time.

A Memorial of Mr. *Daniel Russel* Commissioner of Impost, shewing that Capt. *John Hayes* Keeper of the *Light-House* informs him that the *Light-House* Boat wants New Sails, (the old ones being much worn) that the Upper part of the *Light-House* stands in need of being new Painted, praying the Directions of this Court therein. [ 62 ]

Read and *Ordered*, That Mr. *Daniel Russel* the Memorialist be and hereby is directed to furnish the Boat with New Sails, and see that the Upper part of the Light House be New Painted as set forth in the said Memorial.

Sent up for Concurrence.

A Petition of Col. *Johnson Harman*, shewing that whereas the Wages for his own Service as well as his Son and Servants on his Muster-Roll now before this Court is Estoped, and the Consideration thereof referred to the next Fall Session, & that his Dependence at present for the Support of his Family being only on the Pay and Service of his Country, praying that he may be favoured and allowed to receive the whole or part of his Wages *now*, for the reasons therein mentioned. Read,

And *Resolved*, That the Sum of *Twenty Three Pounds Seventeen Shillings & Six Pence* being the one half of the Wages of Col. *Johnson Harman* for his own particular Service, during the time he was born on the Muster-Roll he presented to this Court in their present Session, be allowed and paid out of the publick Treasury to him in Answer to his Petition. Sent up for Concurrence.

Then the House Adjourned 'till to Morrow Morning Nine a Clock.

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*Martis Die 22. Junij, A. D. 1725.*

A Petition of *Thomas Prentice* of *Newton*, and *Thomas Learned* of *Watertown*, shewing that in the Year 1719. they built a Cart-bridge over *Charles-River* in the Town of *Watertown* near the Mill, having had Encouragement from several Persons that they might expect and receive a Bounty and Satisfaction equal to the great Work they performed, which has proved very Beneficial and Advantageous to the People that have had Occasion to Use the same, tho' they were obliged to build an Horse bridge only, that they have really Expended the Sum of *l.132 9s.* at least, more than what they have received on Accompt thereof, praying that this Court would please to Order that the said Sum of *l.132*

9s. may be allowed them out of the publick Treasury, or that they may be otherwise Recomenced for their Great and Publick Work as to the Wisdom of this Court shall seem meet.

Read and referred to the next Fall Session for further Consideration.

*Addington Davenport* and *Edmund Quincy* Esqrs; brought down an Address to be Presented to the KING's most Excellent Majesty in the Name of this Court, Pass'd in Council, viz. In Council *June 22d. 1725.* Read and Accepted, and Sent down for Concurrence. Read.

*Ordered*, That *John Stoddard*, *John Quincy*, *Jonathan Remington* Esqrs; and *Mr. Ezekiel Lewis*, with such as the Honourable Board shall appoint be a Committee to draw up some proper Instructions to be transmitted to the Agents for this Province at the Court of *Great Britain* respecting Our Affairs there, and to see that proper and authentick Copies be prepared to be sent them to strengthen and support, as well the other Matters in the Memorial to be presented to His Majesty, as the Matters and Things which respect the Conduct of the French in their Abetting, Assisting and Encouraging the Indians in their Acts of Hostility against His Majesty's Subjects of this Province. The Committee to sit forthwith, and make Report as soon as possible. Sent up for Concurrence.

A Petition of sundry Inhabitants of the Westerly part of the Town of *Wrentham*, in behalf of themselves and others, praying that a straight Line might be run from *Charles River* South, paralel with the Line which divides between *Wrentham* and *Bellingham* Six Miles & an half, and to be every where Four Miles and an half wide from *Wrentham* West Line, and Six Miles and an half in Length North and South, bounding Northerly on *Charles-River*, and Westerly on *Bellingham* Line, and that the Lands set forth and comprised within the Bounds before mentioned, may be Erected into a sepearte and distinct Precinct, and may Have and Enjoy all the Liberties, Priviledges and Immunities which other Precincts in this Province Have, Exercise and Enjoy. Read and *Ordered*, That the further Considera-[ 63 ]tion of this Petition be referred to the Second Thursday of the next Fall Session of this Court, and that in the mean Time the Petitioners serve the Town of *Wrentham* with a Copy thereof, that they may then give in their Reasons if any they have why the Prayer thereof should not be Granted.

Sent up for Concurrence.

An Accompt of Col. *Eleazer Flagg* for himself and Subsistence two Days to Visit the Frontiers, in Obedience to an Order from His Honour the Lieut. Governour, and sundry Expresses in the Service of this Province, amounting to *l.3 11s. 6d.*

Read and committed to the Committee for Muster-Rolls.

According to the Order of the Day the Merchants, Distillers, and other Inhabitants of *Boston* and *Charlestown*, sent in a Memorial setting forth sundry Objections against the Bill Entitled, *An Act for Granting unto His Majesty a Duty upon Rhum or Spirits Distilled from Molasses within this Province*, as entred the 19th. Read

A Bill entitled *An Act for granting unto His Majesty a Duty upon Rhum or Spirits distilled from Molasses within this Province*. Read a third Time.

And the Question was put, *Whether the Bill shall pass to be Engrossed?*

It passed in the Negative.

*Penn Townsend* Esq; brought down the Petition of *Caleb Spurrier* of *London* with the Vote of the House thereon, sent up the 17th. Passed in Council, *viz.* In Council *June 22. 1725*. Read and Nonconcurrent. And *Ordered*, That the Petitioner serve the adverse Party with a Copy of this Petition, That so he may give Answer thereto if he see Cause upon the first Tuesday of the next Fall Session.

Sent down for Concurrence. Read and Concurr'd.

An Accompt of *Jonathan How* of *Marlborough*, amounting to 28s. 10d. for Entertaining the Commissioners in their return from *Canada* with sundry English Captives, and also billeting Seven Men one Meal. Read and *Resolved*, That the Sum of *Twenty Eight Shillings & Ten Pence* be allowed and paid out of the publick Treasury to Mr. *Caleb Rice*, to be by him paid to Mr. *Jonathan How* the Accomptant in full discharge thereof. Sent up Concurrence.

A Petition of Mr. *John Kent* of *Suffield*, praying that this Court would revive their Order pass'd on his Petition the 18th. of *December* last, for the purchasing of the Tract of Land containing about *One Hundred Acres* on the South side of *Stony-Brook* (so called) in *Suffield* near where *Northampton* and *Springfield* ways to *Windsor* meet, for the reasons therein mentioned. Read and *Ordered*, That Capt. *John Ashley* and Mr. *William Pynchon* be desired to repair to the Lands Petitioned for, View the Quality thereof, and report to this Court at their next Fall Session the Value of the same in their Opinion, the Committee are also directed to report the Quantity of the Lands Petitioned for. Sent up for Concurrence.

### Post Meridiem.

The Memorial and Address of this Court to be presented to the KING's Most Excellent Majesty, brought down before Noon. Read again. And *Voted* a Concurrence with the Honourable Board thereon.

*Voted*, That Mr. Speaker be joined with the Committee appointed to draw Instructions, &c. to be transmitted to the Agents for the Province, sent up this Morning. Sent up for Concurrence.

A Petition of *Susannah Edson* of *Bridgewater* Widow, shewing that in the Year 1719. it pleased GOD to suffer the Dwelling House of her then Husband to be consumed by Fire, and in their endeavours to extinguish the Flames, her Husband was so extreemly burnt that he died in a few Weeks after, that among other Losses and Sufferings by the devouring Fire, they lost Ten Twenty Shillings Bills on this Province, which the Petitioner has made solemn Oath to the Truth of before One of His Majesty's Justices of the Peace for the County of *Plymouth*, The Character of the Petitioner being certified by sundry of the Inhabitants of *Bridgewater*, Praying that this Court would please to allow the said Ten Pounds which was lost in the [ 64 ] Fire being the Bills on this Province, to be paid her out of the publick Treasury for the Reasons therein mentioned. Read. And

*Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the publick Treasury to the Petitioner *Susannah Edson* or her Order in Consideration of the like Sum of Bills of Credit of this Province consumed by Fire, as particularly set forth in the within Petition. Sent up for Concurrence.

A Message from the Honourable Board by *Nathaniel Byfield*, *John Otis*, *John Cushing* and *Addington Davenport* Esqrs. That the Board have concurred the Vote for a Committee to look out for a convenient House for the Reverend the President of *Harvard Colledge* at *Cambridge*, and that His Honour the Lieut. Governour had entred his Consent thereon, that the Board were of Opinion that it would be convenient for the Committee's Power to be enlarged that they might be impowred to take speedy Care to hire a House for the Reception of the Reverend President, he having expressed his Inclination to remove to *Cambridge* with his Family as soon as it may be done with Conveniency.

*Voted*, That the Committee appointed by this Court to inquire and look out for a Suitable House in the Town of *Cambridge* for the Reception and Entertainment of the Reverend President of *Harvard Colledge* and his Family, be further impowred to hire such a House for the space of Six Month next coming, or until they make Report to this Court in their Fall Session.

Sent up for Concurrence.

An Accompt of *Luke Smith* for Victuals and Drink to Capt. *Mason* and attendance in his passing and repassing through *Hadley*. Read, And

*Resolved*, That the Sum of *Seventeen Shillings* be allowed and paid out of the publick Treasury to Capt. *Thomas Wells* to be by him repaid to the Accomptant *Luke Smith* in full discharge thereof.

Sent up for Concurrence.

*Resolved*, That the Treasurer be and hereby is impowred and directed to pay and advance to Dr. *Thomas Hastings* of *Hatfield* the Sum of *Twenty Pounds* to Enable him to purchase Medicines and other Necessaries for the Use of the



Forces in His Majesty's Service in the County of *Hampshire*, the said Dr. *Hastings* to be Accomptable for the Medicines, &c. and the Expence of the same. Sent up for Concurrence.

The Precept sent to the Town of *Leicester* the first Currant, was returned into the House and Certified by the Select Men of the said Town, that they had Caused the Freeholders and other Inhabitants therein to Assemble on the Eighteenth of this Instant *June*, and found they were not obliged by Law to choose a Representative for them, being under the Number of Forty Electors.

Then the House adjourned till to Morrow Morning Ten a Clock.

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**Mercurij Die 23. Junij A. D. 1725.**

**A** Petition of *Nehemiah Cushing* and *Rachel Cushing* Executors of the last Will and Testament of *David Cushing* late of *Hingham* in the County of *Suffolk*, deceased, shewing that the said *David Cushing* dyed seized of sundry Out-Lands, and a good Dwelling House and Barn, and about Sixty Acres of Lands thereto adjoining, that the Testator in his Last Will Ordered the Out-Lands and Moveables to be Sold for the Payment of his Debts, that he left Three Children only and all of them very Young even in Infancy, That the [ 65 ] Out-Lands are a growing Estate, and that by the Time the Children arrive to lawful Age the House and Barn will be unavoidably very much fallen to decay, that it will be much more for the Interest of the Estate and the Heirs, to have the House and Barn and Land adjoining to it Sold, than the Out-Lands, for the payment of the Testators Debts, praying that this Court would please to give Order for the Sale of the said House and Land adjoining accordingly, for the reasons therein mentioned, pass'd in Council, *viz.* In Council *June 22d. 1725.* Read and *Ordered*, That the Prayer of the Petition be so far granted, That the Petitioners be and hereby are impowred to Sell the House and Land or Homestead mentioned in the Petition for the most it will fetch, and give good and sufficient Deed in the Law for the same, Notification of the Sale to be first given, as is provided in the Law respecting Sales of Lands Ordered by the Justices of the Superiour Court, The Petitioners to be Accomptable for the Improvement of the produce of the said House and Land to the Judge of Probates for the County of *Suffolk.* *Provided*, and it is hereby further Ordered, That the other Lands mentioned in the Petition and allowed to be Sold by the Will referred to, be reserved unsold until the Children come of Age, Any Law, Usage or Custom to the Contrary notwithstanding.

Sent down for Concurrence. Read and Concurr'd.

The Memorial of Dr. *Timothy Cutler* and Mr. *Samuel Myles* as entred the 11th Currant, passed in Council, *viz.* In Council *June 14. 1725,* Read the 22. Read

again. And whereas this Memorial contains an indecent Reflection on the Proceedings of this Board, with several groundless Insinuations, *Voted*, That it be dismiss'd.

Sent down for Concurrence.

Read and Concurred.

A Memorial of Capt. *John Gyles* Commander of His Majesty's Fort *George* at *Brunswick*, shewing, that whereas this Court were pleased in their *May* Session in 1724. upon the Complaint of *James Harper & James Stimpson* to stop *l. 20* of the Wages due to him on the Muster Roll then presented for Allowance, till he made it appear that he had paid the Complainants what was justly due to them, which the Memorialist conceives he has now done by the Affidavits and Papers which accompanied the said Memorial, praying the said Estopple may be taken off, and that he may be allowed to receive the said *l. 20* due to him for his Wages as aforesaid, for the Reasons mentioned in the Memorial. Read, with the Papers therein referred to. And

*Resolved*, That the Sum of *Twenty Pounds* so much stop'd of Capt. *Gyles's* Wages on his Muster Roll presented to this Court in their last *May* Session be allowed and paid out of the publick Treasury to the said Capt. *John Gyles* in full discharge of the Wages due to him on the said Muster Roll.

Sent up for Concurrence.

An Accompt of *Joseph Maylem* amounting to *l. 4 3s. 2d.* for keeping several Horses belonging to the Gentlemen lately come from *Canada* and their Attendants, as also for Diet and Lodgings for the Men. Read. And

*Resolved*, That the Sum of *Four Pounds Three Shillings and Two Pence* be allowed and paid out of the publick Treasury to the Accomptant *Joseph Maylem* in full discharge thereof. Sent up for Concurrence.

*Resolved*, That the Sum of *Four Pounds Nineteen Shillings* be allowed and paid out of the publick Treasury to *Peter Russel* a Soldier in the Service of this Province, late under the Command of *John Lane* Lieut. being for the like Sum due to the said *Peter Russel* for Wages in the Service of this Province by the Muster Roll presented by the said *Lane* the last Session, which he received of Mr. Treasurer *Allen* by a forged and Counterfeit Order of the said *Russel*.

Sent up for Concurrence.

Col. *Stoddard* from the Committee for Petitions, reported,

On the Accompt of Capt. *Richard Bourn* for Expence, Disbursements and Bounty Money in raising and enlisting Thirteen Indian Volunteers for His Majesty's Service, which as entred the 21st, was Read and Accepted. And [ 66 ]

*Resolved*, That the Sum of *Twenty Six Pounds Seven Shillings* be allowed and paid out of the publick Treasury to Capt. *Richard Bourn* in full discharge of the within Accompt. The Article of *Four Pounds Eleven Shillings* to be deducted by Mr. Treasurer out of the Subsistence of the Men raised.

Sent up for Concurrence.

Post Meridiem.

His Honour the Lieut. Governour communicated a Letter he received from Col. *Thomas Westbrook* dated *Falmouth, June 17th 1725.* which accompanied an Account of Lt. *Joseph Beane*, Dated at *St. George's June 13th. 1725.* of an Interview he had there with sundry of the Eastern Indians, who appeared on the return of the Hostage *Saccaristiss.* Read.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Accompt of Col. *Eleazer Flagg* as entred the 22d, viz. The Committee having Examined the within Accompt of Col. *Eleazer Flagg* for divers Expresses, and in as much as there are sundry Troopers under his Command who might have done that Service without any Charge to the Pnblick, are of Opinion that there be nothing allowed for that Service, But in as much as Col. *Flagg* has been two Days on the Frontiers by His Honours Command Charged in said Accompt, are of Opinion that the Sum of *Twenty Shillings* be allowed and paid out of the publick Treasury to said Col. *Flagg* in full discharge of the within Accompt. Read and Accepted, And

*Resolved*, That the Sum of *Twenty Shillings* be allowed and paid out of the publick Treasury to Col. *Eleazer Flagg* in full discharge of the within Accompt agreeable to the above Report. Sent up for Concurrence.

A Bill Entitled, *An Act to prevent the unnecessary Journeying of Representatives, and for the more Speedy and Safe Conveyance of the Tax Acts, Treasurer's Warrants, and Proclamations for Fasts and Thanksgivings, and to Establish the Fees for the same.*

Read a Third Time, And *Resolved*, That the Bill do pass to be Engrossed. Sent up for Concurrence.

An Accompt of Mr. *Stephen Williams* of *Springfield*, amounting to 22s. for Entertaining 38 *Connecticut* Indians in *September* last, under the Command of Capt. *John Mason.* Read and *Resolved*, That the Sum of *Twenty Two Shillings* be allowed and paid out of the publick Treasury to Mr. *William Pynchon* to be by him paid to the Reverend Mr. *Stephen Williams* in full discharge thereof.

Sent up for Concurrence.

An Accompt of *Ebenezer Greaves* of *Brimfield* for subsisting Eight English captives lately returned from *Canada.* Read and *Resolved*, That the Sum of *Twenty Seven Shillings* be allowed and paid out of the publick Treasury to Mr. *William Pynchon* to be by him paid to the said *Ebenezer Greaves* in full discharge of the within Accompt. Sent up for Concurrence.

*Ordered*, That Major *Moodey* go up with a Message to His Honour the Lieut. Governour, to desire His Honour would please to inform or Communicate to the House the Letter that the Indians may refer to in the late Interview had with them by Lt. *Beane* at *St. George's River.*

Mr. Secretary *Willard* brought down a Letter which His Honour sent to Lt. *Beane*, which His Honour (as Mr. Secretary said) supposes the Indians referred to in the said Interview. Read.

*Ordered*, That Mr. Speaker, Col. *Stoddard*, Major *Moodey*, Mr. *Lindall*, and Mr. *Remington*, with such as the Honourable Board shall appoint be a Committee to consider of the Letter from Col. *Westbrooke*, and the Conference between one of the Officers Eastward & Indians, to make Report what they think proper for this Court to act thereon, The Committee to sit forthwith. Sent up for Concurrence.

*William Tailer* and *Thomas Hutchinson* Esqrs; brought down the Report of the Committee of both Houses appointed to draw Instructions to be given to the Agents for this Province at the Court of *Great Britain*, Sign'd *John Clark*, by Order. Pass'd in Council, viz. In Council *June 23d, 1725*. Read and Accepted.

Sent down for Concurrence. Read twice, and Concurr'd. [67]

*Voted*, That Mr. Speaker, Mr. Secretary, and Mr. *Lewis*, with such as the Honourable Board shall appoint be a Committee to prepare and transmit a fair Draft or Drafts of the Address to His Majesty, and the Instructions agreed on to be given to the Agents, together with all the Papers, Vouchers and Records therein referred to, and send them to the Agents by the first Opportunity after they are prepared. The Committee to sit in the Recess of the Court. Sent up for Concurrence.

*Edward Hutchinson* Esq; brought down a Petition of *John Ring* of *Gloucester* in the County of *Essex* Miller, shewing that at the Superiour Court of Judicature held at *Salem* in & for the County of *Essex* aforesaid, on the last Tuesday of *October* last, one *John Bennet* then of *Gloucester*, now deceased, brought an Action of Review of an Action of the Case against the Petitioner, which Action was originally brought by the Petitioner against the said *John Bennet* for holding to his own Use the Priviledge of a Stream or River in *Gloucester* aforesaid, for carrying a Grist or Corn Mill, that the Petitioner recovered Judgment for the same, upon the Appeal to the Superiour Court, but at the said Superiour Court upon the Review, the said *John Bennet*, as the Petitioner supposes by some indirect Practices & tampering with the Jury, they reversed the former Judgment, which almost ruins the Petitioner & his Family by his being turned out of his just Right & Estate, praying that he may have a Tryal *de Novo* of the Merits of the said Cause at the next Superiour Court to be held at *Salem*, within & for the County of *Essex*, on the last Tuesday of *October* next, for the Reasons therein mentioned. Passed in Council, viz. In Council *June 23d. 1725*. Read. And *Ordered*, That the Petitioner serve the Executor or Administrator of *John Bennet* deceased with a Copy of this Petition, that so they may give Answer



thereto, if they see Cause on the second Thursday of the next Fall Session. Sent down for Concurrence. Read & concurred.

A Petition of *Edward Jackson* of *Newton*, shewing that as he was Attorney to his Brother *Jonathan Jackson*, & in his Absence expended divers Sums of Money for his Use, and at the time when *Joseph Jackson* obtained Administration on the said Estate, there was a Ballance of *l.100 2s.* due to the Petitioner, and to recover the same, he brought an Action at the Inferiour Court held at *Charlestown* in the County of *Middlesex* in *March*, and recovered *l.76* from which Judgment the Defendant appealed to the Superiour Court next to be held for the County of *Middlesex*, and recognized, but before the Reasons were filed, the Petitioner & the Administrator being Brethren, they agreed to submit the Matter to Arbitration which occasioned the Administrator not to file Reasons of Appeal, nor the Petitioner to file a Complaint for want of Prosecution, and the Award delivered by the Arbitrators were refused to be complied with, so that the Petitioner is without remedy in the Law without the Relief of this Honourable Court, praying that the Administrator aforesaid may be enabled to file his Reasons of Appeal at the next Superiour Court of Judicature to be held at *Cambridge* for the County of *Middlesex* in *July* next, or as soon as may be, or upon failure thereof that the Petitioner may be enabled to file his Complaint to confirm the aforesaid Judgment. Passed in Council, *viz.* In Council *June 23d 1725*. Read. And Ordered, That the Petitioner serve the adverse Party with a Copy of this Petition, that so he may give his Answer thereto, if he see Cause, on the 1st Tuesday of the next Fall Session. Sent down for Concurrence.

Read and Concurred.

Resolved, That the Sum of *Twenty One Pounds Eleven Shillings & Four Pence* be allowed & paid out of the publick Treasury to Col. *Eleazer Tyng* in full discharge for his keeping & maintaining several of the Maquois Squaws, whose Husbands were in the Service of the Province, as by Accompt given in to this Court, as entred the 17th of *June* Currant. Sent up for Concurrence.

Then the House Adjourned 'till to Morrow Morning Nine a Clock.

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*Jobis Die 24. Junij, A. D. 1725.*

Ordered, That Mr. *Cushing* & Mr. *Tay* go up with a Message to His Honour the Lieut. Governour to inquire if His Honour had pass'd upon all the *Acts, Orders & Resolves* which have passed both Houses this Session. Who returned that His Honour said He had passed on all things which have been laid before him this Session. [ 68 ]

Resolved, That the Sum of *Three Hundred & Fifty Pounds* be allowed & paid out of the publick Treasury to His Honour *WILLIAM DUMMER* Esq; Lieut.

Governour & Commander in Chief of this His Majesty's Province, for His Support to enable Him to manage the Affairs of the Government. Sent up for Concurrence.

*Resolved*, That the Sum of *Twenty Pounds* be allowed & paid out of the publick Treasury to *Josiah Willard* Esq; Secretary of this Province, in Consideration of the publick Affairs at this Time calling for sundry things to pass that Office necessarily requiring a more strict attendance from him to effect those Matters, many of which have no stated Fee or Allowance. Sent up for Concurrence.

*Resolved*, That the Sum of *Five Hundred Pounds* be allowed & paid out of the publick Treasury to the Honourable the Justices of His Majesty's Superiour Court of Judicature &c. in proportion to the Courts they have attended the Year past.

Sent up for Concurrence.

*Resolved*, That the Sum of *Two Hundred & Fifty Pounds* be allowed & paid out of the publick Treasury to *Jeremiah Allen* Esq; Treasurer of this Province, for his Service the Year past in the Treasury &c. Sent up for Concurrence.

*Resolved*, That the Sum of *Thirty Pounds* be allowed & paid out of the publick Treasury to *John Wainwright* Esq; Clerk of the House, in part for his Service the Year Currant. Sent up for Concurrence.

*Resolved*, That the Sum of *Twenty Five Pounds* be allowed and paid out of the publick Treasury to Mr. *Richard Hubbard*, Door-Keeper to His Honour the Lieut. Governour and this Court, for his Service half a Year, which will determine the Nineteenth Day of *August* next. Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Timothy Dwight* was presented for Allowance, and in as much as it appears that the Roll is filled up with the Hand writing of the said *Timothy Dwight*, but not Signed by him at the foot thereof, and he living at too great a distance to appear before the Court in their present Session, and many of the Members of the House affirming upon their own knowledge that most of the Men entred on the Roll have duely performed their Service, *Resolved*, That Mr. Treasurer be and hereby is directed to pay to *Henry Dwight* Esq; the Sum of *Four Hundred & Fifty Pounds & Ten Pence*, the Wages, and *Two Hundred & Five Pounds Two Shillings & Two Pence* for Subsistence, the whole amounting to *Six Hundred & Fifty Five Pounds Three Shillings*, deducting what Mr. Treasurer has supplied or advanced for Subsistence, the said *Henry Dwight* to pay the same to the Officers and Soldiers and the Persons that have Subsisted the Men, in full discharge thereof, Provided it appear to Col. *Stoddard* and Capt. *Thomas Wells*, or either of them, upon Examination of said Capt. *Timothy Dwight* that there is any error or mistake then the said *Henry Dwight* shall and hereby is Ordered to return so much Money into the Treasury.

Sent up for Concurrence.

An Accompt of Capt. *Timothy Dwight* for 150 Cords of Wood provided for the Fort per Mr. Treasurer *Allen's* Directions. Read and *Resolved*, That the Sum of *Eleven Pounds Five Shillings* be allowed and paid out of the publick Treasury to *Henry Dwight* Esq; to be by him paid to Capt. *Timothy Dwight* in full discharge of said Accompt. Sent up for Concurrence.

An Accompt of *Rebeckah Holmes* for the Expence of the Committee's of this Court, amounting to *l.14 8s.* Read and *Resolved*, That the Sum of *Fourteen Pounds Eight Shillings* be allowed and paid out of the publick Treasury to *Rebeckah Holmes* in full discharge thereof. Sent up for Concurrence.

### Post Meridiem.

A Memorial of *Timothy Childs* of *Deerfield*, shewing that in Transporting sundry Stores to Fort *Dummer* by Water the Boat in which the Stores were, were inevitably lost, to the Value of *l.39 6s. 8d.* as by an Invoice of the same with the Memorial [ 69 ] exhibited appears. Read and committed to the Committee for Muster Rolls, they report thereon as soon as they can.

*John Otis & Thomas Palmer* Esqrs. brought down the Report of the Committee appointed to consider of the Advices from the Eastward on the Interview lately had between Capt. *Beane* and the Indians at *St. George's River*. Pass'd in Council, viz. In Council *June 24th. 1725.* Read and *Ordered*, That this Report be Accepted with the Amendment. Sent down for Concurrence.

Read and Concurr'd.

An Accompt of *Timothy Childs*, amounting to *l.15 15s.* for Transporting Provisions to Fort *Dummer*, and two Expresses. Read and committed to the Committee for Muster-Rolls, that they report thereon as soon as they can.

*Ordered*, That a Message be sent up to His Honour the Lieut. Governour to acquaint him that the House have nothing lying before them, and to desire the Court may rise this Night if His Honour pleases. Who returned that they had delivered the Message.

A Message from His Honour the Lieut. Governour by Mr. Secretary, that agreeable to the Advice of the Court He has appointed Col. *Tailer* and Col. *Stoddard*, to go upon the Message Eastward, That he had Communicated the same to the Board, which was acceptable to them, and now Communicates the Choice to the House, and makes no doubt but it will be agreeable to them also.

The House Entred into a Debate on the above Message, and the Question was put, *Whether the Advice of this Court has been had in Appointing and sending down Two Gentlemen to the Eastward, which His Honour has Nominated for that Service?*

It pass'd in the Negative by a very great Majority.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported on the Memorial of *Timothy Childs* setting forth the Loss sustained in Transporting Stores to Fort *Dummer* as entred this Afterternoon, which was Read and Accepted, And

*Resolved*, That the Sum of *Thirty Nine Pounds Six Shillings & Eight Pence* be allowed and paid out of the publick Treasury to the Memorialist *Timothy Childs* in full discharge of the loss of the Stores mentioned in the Memorial.

Sent up for Concurrence.

*John Cushing* and *Thomas Palmer* Esqrs; brought down the following Vote of Council, *viz.* In Council *June 24th. 1725.* *Voted*, That His Honour the Lieut. Governour be desired to Appoint the Honourable *William Tailer* and *John Stoddard* Esqrs; Commissioners to proceed Eastward on the Affair Voted this Day by the Court. Sent down for Concurrence.

Read and Concurr'd.

A Message from His Honour the Lieut. Governour by Mr. Secretary, *viz.* Mr. Speaker, His Honour the Lieut. Governour directs this Honourable House to Attend him in the Council Chamber.

Mr. Speaker and the House went up accordingly, And Mr. Secretary said, That it was His Honour the Lieut. Governour's Pleasure that this Great and General Court should be Prorogued to Wednesday the Eighteenth Day of *August* next, at Ten of the Clock before Noon, And then Mr. Secretary declared, That the said Great and General Court was Prorogued to Wednesday the Eighteenth Day of *August* next at Ten of the Clock before Noon accordingly.



# JOURNAL

Of the House of  
Representatives.

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At a Great and General Court or Assembly of His Majesty's Province of the ~~Massachusetts-Bay~~ in ~~New-England~~, Begun and Held at ~~Boston~~, upon Wednesday the Twenty-sixth Day of ~~May~~, (being the last Wednesday of the said Month) ~~Annoque Domini~~, 1725. and continued by several Prorogations to Wednesday the Third Day of ~~November~~ next after, and then Met, being the Second Session of the said Court.

**A** *Quorum* of the House being Met, *Ordered*, That Mr. *Remington*, Mr. *Lewis* and Col. *Paine* wait upon His Honour the Lieut. Governour with a Message, to Acquaint him that a *Quorum* of the House are now Met, and ready to proceed to the Business of the Session.

Who returned, That they had delivered the Message.

A Message from His Honour the Lieut. Governour by Mr. Secretary, *viz.* Mr. Speaker, His Honour the Lieut. Governour directs this Honourable House forthwith to Attend him in the Council Chamber.

Mr. Speaker and the House went up accordingly; and His Honour made a Speech to the Court, of which Mr. Speaker obtained a Copy, and then with the House returned to their own Chamber.

His Honour's S P E E C H is as follows,

GENTLEMEN,

**I** *T will be needless for Me to Mention to You the Advantage it will prove to Your Selves, and the Province, in all the Business that comes before You, to Aim at an Unanimous Publick Spirit; nor can it be doubted, but You are Met with Loyal Hearts full of Duty to His most Sacred Majesty KING GEORGE the Best of Kings:*

*Therefore, What I have to say to You is chiefly concerning the Indian War, and the present Circumstances of Our Affairs with them; And here I can't but observe to You, That the Generous Encouragement You Voted the last Session for Volunteers, has had the desired Effect, in bringing into the Service hardy & brave Men,*

who have penetrated far into the Enemies Country, to their great Terror, and by the favour of G O D has also prov'd the best Protection to our Frontier Towns.

Since Your Recess, I have with the Advice of His Majesty's Council, Improved the Indians Inclinations to Peace, and have by all proper Means encouraged the Overtures [ 2 ] and Advances they have made for a Treaty, and am now Hourly expecting Delegates from the Tribes, who have Confederated in this War, to Attend Me here, in order to make their Submission to His Majesty, and to Treat of Measures for a lasting Peace; which if it shall please G O D we agree upon, I doubt not but You will do what shall be necessary on your Part to render the same Effectual.

I can't pass this Occasion of Recommending to Your Consideration, an honourable Provision for the Support of the Worthy President of the College, the great Importance of which Trust You are all very sensible of, as well as the Great Expences which Unavoidably Attend it; and it will not be Amiss to Consider the handsome Maintenance & Advantages this Gentleman has Generously quitted, in order to Serve the Publick more extensively in this Station.

Gentlemen, You may Assure Your Selves, I shall most Chearfully concur in all Measures for His Majesty's Service, and the Prosperity of the Province.

Wm DUMMER.

Read.

### Post Meridiem.

Mr. Treasurer *Allen* was admitted into the House, and presented his Accompt of Disbursements and Monies paid for Provisions, Cloathing, &c. an Accompt of Species supplied the Forces Eastward and Westward, in the Pay and Service of the Government; and the present State of the Treasury to this Day: Which he laid on the Table and withdrew. Read & Ordered, That Mr. *William Clark*, Mr. *Lewis*, Mr. *Cushing*, Mr. *Lindal*, Mr. *Remington* and Mr. *Phillips* be a Committee to whom is referred the said Accompts, that they take them under Consideration, and Report their Opinion as soon as may be, of what may be proper for the Court to pass thereon.

Mr. Treasurer also laid on the Table, the Report of the Committee of both Houses appointed the last Session of this Court, to Burn the Torn and Defac'd Bills, &c. Which is as follows, viz.

*In Obedience to an Order of the Great & General Court at their Session in May last, appointing as the Subscribers a Committee to take an Account of Province Bills of Credit that are Torn & Defac'd:*

We have accordingly received of Mr. Treasurer *Allen* the several Bills of the Denomination in the Accompt on the other side, amounting to the Sum of *Ten Thousand two hundred sixty eight Pounds two Shillings and eleven Pence*, all of which we have consumed to Ashes. Whereof *l. 1722 19 s. 11 d.* part of the aforesaid Sum, was delivered us on Account of the *l. 50,000* Loan Nett Bills received

of the Trustees mentioned on the other side: Also the remaining Sum of *l. 8545 3 s* was delivered us on Account of the Interest received of the Commissioners appointed by the General Court for Letting out the *l. 100,000* Loan: Making in the whole the Sum of *Ten Thousand two hundred sixty eight Pounds two Shillings & eleven Pence*. As Witness our Hands this 19th Day of *October, 1725. Penn Townsend, &c.*

Read & accepted, and *Resolved*, That Mr. Treasurer *Allen* be and hereby is discharged from the said Sum of *Ten Thousand two hundred sixty eight Pounds two Shillings & eleven Pence* accordingly. Sent up for Concurrence.

*Nathaniel Byfield*, Esq; brought down a Letter from Mr. Agent *Dummer*, Dated *London, Sept. 1. 1725.* directed to Mr. Secretary *Willard*, respecting the Publick Affairs of this Province at the Court of *Great Britain*. Pass'd in Council, viz. In Council, *Nov. 3d. 1725.* Read and sent down. Read.

Mr. Speaker Communicated a Letter he received from Mr. Agent *Cooke*, Dated *London, July 29th 1725.* touching the Publick Affairs of the Province, as well as his proceeding in the Defence of the House of Representatives against the Memorial and Complaint of Governour *Shute*. Read and sent up.

His Honour the Lieut. Governour's Speech Read again. [ 3 ]

Mr. Secretary *Willard* brought down sundry Letters from Capt. *Smith* at the Block-House at *St. George's*, giving an Account of the Indians appearing there, and of their Dispositions to Peace; which His Honour thought proper to Communicate.

Read & sent up.

A Petition of *Hannah Lovewell* Relict Widow of Capt. *John Lovewell* Deceased, shewing, That her Husband in *February 1724.* upon setting out on his March after the Indian Enemy, when he and his Company slew Ten of them, took of the Country Stores at *Haverhill* in Bread to the Value of *l. 10 17 s. 9 d.* for which by Order of His Honour the Lieut. Governour and Council, he gave his Note to the Province Treasurer: That her said Husband is since Slain in Fight with the Indian Enemy, and left her and some small Children to bring up, in poor Circumstances; praying, That this Court would please of their known Compassion to remit unto her the Payment of the said Note, which her Husbands Estate must otherwise be liable to.

Read & Committed to the Committee for Petitions.

A Petition of *John Mc.Leland* and *Elizabeth* his Wife, formerly *Elizabeth Wardwell*, shewing, That whereas this Court were pleased on the 16th of *August 1704*, upon a Petition of *Elihu Wardwell* and *Sarah* his Wife, Mother to the Petitioner *Elizabeth*, for Sale of a House and Land at the Northerly End of the Town of *Boston*, which was then Ruinous and much out of repair, and the Petitioners were by no means capable of repairing the same, to allow of the Sale of the said House and Lands, so as that the produce thereof was invested

in some other real Estate within the Town of *Boston*, or some other Town within the County of *Suffolk*, which might be advantageous to the Petitioners and their Children; which House and Land was by *Nathaniel Adams* late of *Boston* Deceased, in and by his last Will given and devised to the aforesaid *Sarah* his Grand-Child, and the Heirs of her Body lawfully begotten; and the said House and Land was by Virtue of the Order aforesaid, Sold by the said *Elihu Wardwell* and *Sarah* his Wife, to one *Thomas Kellum* of *Boston* Glazier, but the Condition of the said Order has not been performed by them, so that the Petitioners will be stript of their Inheritance without the Aid and Interposition of this Court, under Colour of the aforesaid Orders; praying for such Relief in the Premises as to this Court in their Wisdom shall seem meet, for the Reasons mentioned in the Petition. Pass'd in Council, *viz.* In Council, *Novemb.* 3d 1725. Read & Ordered, That the Justices of the Inferiour Court of Common Pleas for the County of *Suffolk*, be and hereby are Authorized and directed upon a Petition to them made by *John Mc.Leland* and *Elizabeth* his Wife, as in Cases of Equity for Redemption of Mortgaged Estates, setting forth the whole matter, to examin what may be a Just & Equitable Sum for the said *John Mc.Leland* and *Elizabeth* his Wife to Pay to the Widow and Heirs of *Thomas Kellum*, the Purchaser of the House and Land devised to *Sarah Wardwell* in Fee Tail, as set forth in this Petition; and upon Payment thereof, to have Judgment and Execution for the Possession of the said House and Land. And the said Justices are to conform themselves in this Case to the Law of the Province, Entitled, *An Act for Hearing & Determining Cases in Equity*, so far as may be: Any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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**Jobis Die 4. Novembris, A. D. 1725.**

A Petition of *Zechariah Trescot* setting forth, That in the Service of this Province being sent Express by His Honour the Lieut. Governour, with Orders to Capt. *Gyles* at Fort *George*, to March against the Indian Enemy in *May* last, he was Fired upon by a Party of the Indians, and Wounded in several parts, whereby he is entirely made a Cripple, and past hopes of being able to Labour for his Livelihood; praying the Compassionate Consideration of the Court, for such Relief in the Premises, as in their Goodness & Wisdom shall seem meet. Read & Committed to the Committee for Petitions.

His Honour the Lieut. Governour's Speech Read again. [ 4 ]

The Precept sent to the Town of *Haverhill* for the Choice of a Representative, to be returned this Session, was laid on the Table from the Secretary's Office, being certified by the Select men of the said Town, That they had as-



sembled the Freeholders of the said Town, and other Inhabitants thereof, duly qualified to Vote on the 23<sup>d</sup>. day of *June* last, who did then Elect and Depute Mr. *John Sanders*, to serve for and represent them in this Great and General Court or Assembly.

*Voted*, That the said Choice is duly made; and *Ordered*, That Mr. *Edward White* go up to the Honourable Board with the said Mr. *John Sanders*, that he take and subscribe the Declaration, and take and subscribe the Oaths of Abjuration, as by the Royal CHARTER of this Province is directed; which was done by him, and then he took his Place in the House.

A Memorial of *Jonathan Wright* of *Chelmsford*, shewing, That in a March to *Pigwacket* against the Indian Enemy under the Command of Col. *Tyng*, in this present Year 1725. Passing over *Winnepissiocket* Pond, he had the Misfortune in a hard Gale of Wind to over set the Canoe, and lost his Gun and Blanket of the value of *l. 3 10 s.* and narrowly escaped with his Life; being duely certified: praying that the said Sum may be allowed him out of the Publick Treasury for the Reasons given. Read and *Resolved*, That the Sum of *Three Pounds ten Shillings* be allowed and paid out of the Publick Treasury to *Eleazer Tyng*, Esq; to be by him paid to the Memorialist *Jonathan Wright* in full Consideration of the Loss sustained in the Service of the Province as set forth in the Memorial. Sent up for Concurrence.

*Spencer Phipps*, Esq; brought down the following Vote of Council, *viz.* In Council, *Novemb. 3d 1725.* *Ordered*, That Col. *Cushing*, Mr. *Lynde* and Mr. *Davenport* be a Committee with such as the Honourable House of Representatives shall appoint, to Report what Acts are Expired or near Expiring; and what Acts are proper to be made for the Benefit of the Province. Sent down for Concurrence. Read & Concur'd.

And *Ordered*, That Mr. *Cushing*, Mr. *Remington*, Maj. *Quincy* and Mr. *Lindal* be joyned in the Affair abovesaid.

The Petition of *John Mc.Leland* and *Elizabeth* his Wife, with the Vote of the Board thereon, brought down last Night, Read again. And the Question was put, *Whether the House will Concur with the said Vote?* It pass'd in the Negative.

### Post Meridiem.

A Petition and Accompt of *Charles Church*, Esq; for Travelling and sundry Expences arising by his Committing the Assessors of the Towns of *Dartmouth* and *Tiverton* to His Majesty's Goal in *Bristol*, by virtue of a Warrant from Mr. Treasurer *Allen*, for their not Assessing the Taxes laid on the Inhabitants of the said Towns, *Annis 1722. & 1723.* they having obtained an Order from His Majesty for their Discharge; the Accompt amounting to *l. 8 7 s.* praying, That the said Sum may be allowed him out of the Publick Treasury, for the

Reasons given in the Petition. Read & *Resolved*, That the Sum of *Eight Pounds seven Shillings* be allowed and paid out of the Publick Treasury to the said *Charles Church*, Esq; in full discharge thereof. Sent up for Concurrence.

A Muster-Roll of the Sloop *Sea flower*, *Simon Slocum* Master, being a Transport in His Majesty's Service Eastward, Vouched before *John Ballantine*, Esq;

Read and Committed to the Committee for Muster-Rolls.

Mr. Agent *Cooke's* Letter Read again.

A Petition of *William Jeffrye* of *Harwich* Indian, shewing, That in the Service of the Province, as he was passing up *St. George's River* in *May 1724*, he received a shot thro' his left Arm, whereby he is rendred in a great measure incapable of Providing Necessaries for himself and Family; and that he has the last Fall Session received of the Bounty of this Court, but still remains uncapable to Support himself and Family, by reason of the said Wound, praying the further Compassion of the Court for such Relief in the Premises as to this Court in their Wisdom shall seem meet. Read and [ 5 ]

*Resolved*, That the Sum of *Five Pounds* be allowed & paid out of the Publick Treasury to Capt. *Edmund Freeman* to be supplied the said *William Jeffrye* alias *Pigg* for the Support of himself and Family, as they may have occasion, and call for it, in Consideration of the Petitioners Wound received as aforesaid.

Sent up for Concurrence.

An Accompt of *John Griffin* of *Bradford* Ferry-man, for Ferrage of Capt. *Richard Kimball* and his Troop, consisting of Forty three Men with their Horses, over *Haverhill* Ferry and back again, in the Service of this Province in *July* last, Certified by the said Capt. *Kimball*. Read & *Resolved*, That the Sum of *Forty three Shillings* be allowed and paid out of the Publick Treasury to Mr. *John Sanders*, to be by him paid to the said *John Griffin* in full discharge of said Accompt.

Sent up for Concurrence.

*Ordered*, That *John Stoddard*, *Henry Phillips*, *Ezra Bourn*, *John Quincy*, Esqrs; and Mr. *Edward White* be a Committee to Project and Prepare a proper Resolve for Supply of the Treasury, and make Report thereon.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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*Veneris Die 5. Novembris, A. D. 1725.*

**M**R. *Lewis* from the Committee for Muster-Rolls Reported on the Muster Roll of the Sloop *Sea-flower*, *Simon Slocum* Master, as Entred Yesterday, viz. The Committee having examined the within Roll of the Sloop *Sea-flower*,

*Simon Slocum* Master, &c. a Transport, &c. find it right Cast, and Vouch'd by said *Slocum's* Oath, are of Opinion, That there be allowed and paid out of the Publick Treasury to said *Slocum* the Sum of *l. 228 18 s. 4 d.* for the Men's Wages and Hire of said Sloop, in full discharge thereof. Read & accepted and *Resolved*, That the Sum of *Two hundred & twenty eight pounds eighteen shillings & four pence* be allowed and paid out of the Publick Treasury to the said *Simon Slocum*, in full discharge of the Wages and Hire of the said Sloop. Sent up for Concurrence.

*Ordered*, That *John Quincy*, Esq; go up with a Message to the Honourable Board to Desire they would send down the Journal and Conference of the Commissioners lately had with the Indians at *St. George's*; and also to inquire what has been done on that Affair since.

A Petition of *Eliphalet Wharfield*, as entred the 16th of *June* last, and referred to this Session. Read. And in Answer to this Petition, *Resolved*, That the Treasurer be directed to deliver to the Petitioner the Gun mentioned in the Petition, if to be found, or in Lieu thereof, a Province Gun of or near the Value of *Forty shillings*. Sent up for Concurrence.

Mr Secretary *Willard* brought down the Journal and Conference had with the Commissioners and the *Penobscut* Indians at *St. George's* in *July* last: And also laid on the Table the Account of what has been done on that Affair since.

An Accompt signed *Eleazer Tyng*, amounting to *l. 10 10 s.* being for keeping Old *Christian's* Squaw and Young *Christian's* Squaw, two *Maquois*, twenty one Weeks.

Read. And in Answer to this Accompt, *Resolved*, That the Sum of *Five Pounds five shillings* be allowed and paid out of the Publick Treasury to Col. *Eleazer Tyng*, being for keeping Old *Christian's* Squaw, and is in full discharge of this Accompt. Sent up for Concurrence.

The Journal and Conference of the Commissioners had with the *Penobscut* Indians at *St. George's* in *July*. Read. [ 6 ]

### Post Meridiem.

Mr. *Clark* from the Committee appointed to take under Consideration Mr. Treasurer *Allen's* Account of Disbursements, &c. as entred the 3d Reported according to Order, viz. The Committee appointed to Audit the within Accompt of Mr. Treasurer *Allen's* Disbursements for Provisions, Cloathing and other Necessaries for His Majesty's Forces Eastward and Westward, and other Incidental Charges beginning *May 26th 1725.* ending *Novemb. 3d* following, amounting to the Sum of *l. 7326 11 s. 5 d.* having examined the same, find it right Cast and well Vouch'd, and therefore are of Opinion, that the Treasurer be discharged of the said Sum of *l. 7326 11 s. 5 d.* *William Clark*, per Order.

Read and accepted, and *Resolved*, That Mr. Treasurer be and hereby is discharged of the said Sum of *Seven Thousand three hundred and twenty six Pounds eleven shillings and five Pence* accordingly. Sent up for Concurrence.

*Upon Reading the Instructions, Journal & Conferences lately had at St. George's, by and between John Stoddard and John Wainwright, Esqrs; Commissioners appointed by and on behalf of this Government; and several of the Chiefs of the Penobscut Tribe of Indians, on behalf of their Tribe: And the House of Representatives taking the same into serious Consideration;*

*Voted* by a very great Majority, That the Services done this Province by the said Commissioners in their Negotiation aforesaid, is acceptable and agreeable to the House.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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**Sabbati Die 6. Novembris, A. D. 1725.**

**A** Bill Entitled, *An Act in addition to an Act or Law of this Province, made in the Fourth Year of the Reign of the late King WILLIAM & Queen MARY, Entitled, An Act for Regulating of Townships, Choice of Town Officers, and setting forth their Power; and for Repealing one Clause contained in the said Act.* Read a first time.

An Accompt of *Edward Winslow*, Esq; Sheriff of the County of *Suffolk*, amounting to *l. 36 4 s.* for sundry Expresses in the Service of this Province, sending Warrants, Proclamations, &c. for Proroguing the General Court, and a Thanksgiving.

Read and Committed to the Committee for Petitions.

An Accompt of *Edward Winslow*, Esq; amounting to *l. 17 19 s.* for sundry Repairs for the Province House, where His Honour the Lieut. Governour dwells; and sundry other Charges for Service of the Province.

Read & Committed to the Committee for Petitions.

A Bill Entitled, *An Act for Apportioning and Assessing a Tax of Forty eight Thousand seven hundred and nineteen Pounds.*

Read a first time.

Then the House Adjourn'd till Monday next Three a-Clock Afternoon.

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# VOTES

## Of the House of Representatives.

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Lunæ Die 8. Novembris, A. D. 1725.

**A** Muster-Roll of the Company in His Majesty's Service at Fort *George* at *Brunswick* under the Command of Capt. *John Gyles*.

Read & Committed to the Committee for Muster-Rolls.

A Petition of *John Turner*, *Josiah Willard* and *Jacob Manning*, a Committee of the East Parish or Precinct in *Salem*, in behalf of the said Parish, praying, That the Charge of that Parish, and the first Parish in the said Town of *Salem*, may be paid and satisfied by a General Rate of the Inhabitants of both Parishes; or that the said East Parish may be otherwise relieved in the Premises, for the Reasons therein given.

Read and *Ordered*, That the Petitioners serve the first Church or Parish in the Town of *Salem* with a Copy of this Petition, that they shew Cause, if any they have, on Wednesday the 17th of this Instant *November*, why the prayer of the Petition should not be granted. Sent up for Concurrence.

A Petition of *Joseph Peter* and *Bethiah Peter* his Wife, Indians, living at *Middleborough*, shewing, That they are fallen into Poverty, and are much in Debt, praying they may be allowed to make Sale of Twenty Acres of Land in a place called *Ketiticut*, laid out to the Petitioner's Wife by Order of this Court, in the Year 1724. being part of a 100 Acres belonging to the Heirs of *Charles Ahaz*, Father of the Petitioner *Bethiah*; the Petitioners having no other way to pay their Debts.

Read & Committed to the Committee for Petitions.

A Petition of *Ebenezer Pomroy*, *Samuel Allin*, *Joseph Clesson* and *Samuel Hannum*, in behalf of themselves and some of their Children and Friends, in the Service of this Province as Voluntiers, under the Command of Capt. *Thomas Wells*, shewing, That in passing *Connecticut* River, they had the Misfortune to overset their Canoe, some being Drowned, and the Petitioners, &c. lost their Guns, a Kettle, Blanket, &c. praying, That this Court would please to make good the Loss of the Guns, &c. for the Reasons therein mentioned. Read & Committed to the Committee for Muster-Rolls.

*Ordered*, That Col. *Stoddard* go up with a Message to the Honourable Board to desire they would send down the Journals of Capt. *Joseph Blanchard* and Capt. *Samuel Willard*, of their Marches; and also the Muster-Rolls of the said Companies which have pass'd for Payment in the Recess of the Court.

Who return'd, That the Secretary inform'd him the Muster-Rolls were lodg'd with the Treasurer.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

Martis Die 9. Novembris, A. D. 1725.

THE Muster-Rolls of the Two Companies of Voluntiers Commanded by Capt. *Samuel Willard* and Capt. *Joseph Blanchard*, for their Wages in their first March in quest of the Indian Enemy since the last Session of this Court, being laid on the Table by Order of the House; and the House observing that an Order has pass'd in the Recess of the Court by His Honour the Lieut. Governour with the Advice and Consent of the Council, for the Payment of the Wages said to be due on the said Rolls, and the Money paid accordingly; which is not conformable to the Resolve of the Court for [ 8 ] Emitting the Sum of Bills out of which the same has been paid; and several Members of the House objecting against sundry Men born on the said Rolls, for that they were not in the Service the Time they are born thereon;

*Ordered*, That Mr. Speaker, Col. *Stoddard*, Mr. *Lewis*, Mr. *Thomas Cushing* and Mr. *John Paine*, be a Committee to take that matter into Consideration, and Project some proper Resolve for this House to pass, for preventing the like Proceedings for the future; and that the same be remonstrated to the Honourable Board accordingly.

Mr. *Lewis* from the Committee for Muster-Rolls Reported on the Petition of *Ebenezer Pomroy* and others, as Entred Yesterday: Which was Read and accepted, and thereupon *Resolved*, That in Consideration of the Losses sustained by the Petitioners and their Relations in the Service of the Province, as set forth in the Petition, the following Sums be allowed and paid out of the Publick Treasury to Col. *John Stoddard*, to be by him paid to the Persons following, *viz*, to Capt. *Ebenezer Pomroy* Four Pounds ten shillings, to Lieut. *Joseph Clesson* Eight Pounds five shillings, to *Samuel Allen* Four Pounds, and to *Samuel Hannum* Four Pounds, making in the whole, *Twenty Pounds fifteen shillings*, in full discharge thereof. Sent up for Concurrence.

*Voted*, That Mr. *John Pain* be added to the Committee for Petitions, one of the said Committee being absent.

A Petition of the Revd. Mr. *Matthew Short*, shewing, That he Officiated for several Years as Chaplain to His Majesty's Fort *Mary* at *Winter Harbour*, for which he has been fully paid, excepting for the last Quarter of a Year of his said Service, which ended *October 1. 1722*, as by a Certificate then preferred; praying Allowance for the same. Read. And in Answer to this Petition, *Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury to the Rev. Mr. *Matthew Short*, in full discharge of his Services as Chaplain to His Majesty's Garrison at Fort *Mary* as within mentioned. Sent up for Concurrence.

*Jonathan Dowse*, Esq; brought down a Packet from Mr. Agent *Cooke*, directed to Mr. Secretary *Willard*, by Mr. *Appleton*, inclosing Duplicate of his Letter of

the first of *September*, a Letter of the 13th of *September*, a Petition of *Richard Partidge* in behalf of sundry Persons, Inhabitants of this Province called *Quakers*, to the Lords Justices in Council; and the Order of their Excellencies the Lords Justices, for referring the said Petition to the Committee of the Lords of His Majesty's most Honourable Privy Council, to Report their Opinion thereon, to their Excellencies the Lords Justices.

Read.

### Post Meridiem.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Joseph Heath*, at the Fort at *Richmond*. Read and Committed to the Committee for Muster-Rolls.

A Petition of *Josiah Jones* of *Concord*, shewing, That he was in the Company under the Command of the late Capt. *Lovewell*, in the Engagement with the Indian Enemy at *Pigwacket* in *May* last; and that in the said Action he received a Musket Ball, which yet remains in his Body; and that by reason of the said Wound he is rendred a Cripple, and unable to Labour for his Support and Livelihood; praying for such Relief in the Premises as to the Wisdom and Justice of this Court shall seem meet, for the Reasons therein mentioned. Read & Committed to the Committee for Petitions.

A Petition of *Eleazer Davis* of *Concord*, shewing, That in the Engagement lately had with the Indian Enemy at *Pigwacket* in *May* last, he had the Misfortune to receive a Wound in his Body, and also lost a Joynt of his Thumb on his Right Hand; that he has for a long time remained under the Doctor's hands, the Bullet that Wounded him still remaining in his Body; and that he is unable to Labour for his Support and Livelihood; praying for such Relief in the Premises, as to the Wisdom and Justice of this Court shall seem meet, for the Reasons therein mentioned.

Read & Committed to the Committee for Petitions.

Col. *Stoddard* from the Committee for Petitions Reported on the Petition of *Zechariah Trescot*, as entred the 4th, viz. The Committee are of Opinion, That for the present, the Sum of *Twenty Pounds* be allowed and paid out of the Publick Treasury to Mr. *Zechariah Trescot*, and that after some time the Government will better know how far [9] he is disabled from Business, and thereby be capable to judge what is further necessary to be done for his Relief. Read & accepted, and Resolved, That the Sum of *Twenty Pounds* be allowed and paid out of the Publick Treasury to *Zechariah Trescot*, agreeable to the above Report. Sent up for Concurrence.

A Petition of *Benjamin Gary*, *John Vinton*, *Timothy Wright*, *John Gold*, *Jonathan Green* & *Daniel Green*, in behalf and by Direction of the North part of *Charlstown* near *Reading*, praying, That a Committee may be appointed by

this Court to View the Lands they Petitioned might be Erected into a Township, as entred the 17th of *June* last, before any Vote is passed on their aforesaid Petition; or that they may be allowed to make Replication to the Answer of the Committee of the Town of *Charlstown* appointed to be given this Day. Read and sent up.

Capt. *Willard's* Journal of his Second March brought down by Col. *Townsend*.

Read.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

*Mercurij Die 10. Novembris, A. D. 1725.*

A Muster-Roll of the Company of Troopers in His Majesty's Service under the Command of Capt. *Nathan Brigham*. Read and Committed to the Committee for Muster-Rolls.

A Petition of *Nathaniel Alexander* of *Northampton*, shewing, That he has spent most of his younger Years in the Service of the Country; and has often engaged in Bloody Battles against the common Enemy, especially in *Phillip's* War; and is now greatly advanced in Years, his chief Dependance for his Support being on the Labours and Industry of his only Son *Thomas Alexander*, who Inlisted himself into the Service of this Province, under the Command of Capt. *Thomas Wells*, in his March last Spring against the Indian Enemy; and in their Return the Petitioner's Son by oversetting his Canoe was Drowned, and lost his Gun, Blanket, &c. praying the consideration of this Court, for such Relief in the Premises, as to their Wisdom and Justice shall seem meet, for the Reasons aforesaid. Read. And in Answer to this Petition, *Resolved*, That the Sum of *Five Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Nathaniel Alexander* in full. Sent up for Concurrence.

A Petition of the Westerly part of the First Parish in the Town of *Newbury*, shewing, That they made their Application to the said First Parish, for Liberty for Building a Meeting-House for the Publick Worship of GOD among them; and for their Encouragement, the said First Parish did Vote, "That all the Inhabitants (that desire it) "on the North side of *Chandler's* Lane, &c. unto "the Line of the Second Parish of said Town, should have Liberty to Build a "Meeting House for themselves, and be set off (both Polls & Estates) from "paying to the said First Parish": And upon that Encouragement the Petitioners have Erected and finished a Meeting-House in such Place as the major part of them thought convenient; and have Called a Minister among them, and are desirous to Settle him; but the said First Parish have since their aforesaid Vote, *viz.* on the 9th of *June* last at their Meeting, given Liberty to any



Person within Fourteen Days from that time, to Dissent against Proceeding with the Petitioners in carrying on so good a Work, which has greatly weakened them in this weighty Affair; praying, That a middle Line may be run between the First Parish Meeting-House, and the Meeting-House the Petitioners have Built; and that they may be erected into a Precinct accordingly, for the Reasons given. Read & *Ordered*, That the Petitioners serve the First Parish of the Town of *Newbury*, with a Copy of this Petition, that they may shew Cause, if any they have, on the 24th of this Instant *November*, why the prayer thereof should not be granted.

A Memorial of *Zechariah Trescot*, shewing, That as he was in the Service of the Province in carrying a Letter to Fort *George*, to Capt. *Gyles* in *May* last, before he received the shot from the Indian Enemy, he expended 40 s. praying he may be reimbursed the said Sum out of the Publick Treasury; and also may be freed from any Charge of his Transportation from Cape *Porpus* to *Casco Bay*, in order to be [ 10 ] Cured of his Wounds; and also from any demands which Mr. *Richard Hunt* the Owner of the Horse he rode upon, may make upon him for the Journey, &c.

Read and Committed to the Committee for Petitions.

A Petition of *Ebenezer Holmes*, *Samuel Ellis*, and Forty one others, Inhabitants of the Southermost part of the Town of *Plymouth*, viz. from *Thomas Morton's* Southerly, praying, That their Part or Proportion of the Interest of the Money of what the Common Lands of the said Town of *Plymouth* were Sold for, pursuant to a Vote of the said Town, the 16th of *March*, 1721, 2. for the Support of a School in *Plymouth*, may be allowed them for the Use aforesaid, viz. for a Reading and Writing School within the Limits aforesaid, for the reasons therein given.

Read and *Ordered*, That the Petitioners Serve the Town of *Plymouth* with a Copy of this Petition, that they give their Reasons (if any they have,) on the Twenty-fifth Day of this Instant *November*, why prayer thereof should not be granted. Sent up for Concurrence.

An Accompt signed *William Davis* and *Thomas Bulfinch* for a Journey to *Billerica* one Day, Attendance, Medicines, &c. on Capt. *Seth Wyman* in *Sept.* last, by Order of His Honour the Lieut. Governour. Read and *Resolved*, That the Sum of *Three Pounds* be allowed and paid out of the Publick Treasury to the Accomptants *William Davis* & *Thomas Bulfinch* in full discharge thereof Sent up for Concurrence.

A Memorial signed *William Lambert* Comptroller of His Majesty's Customs in *Boston*, praying as entred the 16th and 19th of *June* last, and referred to this Session.

Read and Recommitted to the former Committee to Consider of the same, and Report their Opinion what may be proper for the Court to pass thereon.

An Account of *Humphrey Scammon* of *Biddeford*, for Ferrage of sundry Officers and Soldiers over *Saco Ferry* from *Aug. 1721.* to *July* last past. Read & Committed to the Committee for Muster Rolls.

A Petition of *Mr. Hugh Henry* Minister at *Scarborough*, praying, That the Residents there may be obliged to Conform to their first Agreement for his Support in the Ministry among them. Read & Dismiss'd.

### Post Meridiem.

*Mr. Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of the Company in His Majesty's Service at *Fort George*, under the Command of *Capt. John Gyles* at *Brunswick*, as entred the 8th: Which was Read & accepted, and thereupon Resolved, That the Sum of *One hundred forty eight pounds five shillings & nine pence* be allowed and paid out of the Publick Treasury to the Officers and Soldiers born on the within Roll to whom the same is respectively due, in full discharge of the Wages thereof. Sent up for Concurrence.

On the Muster-Roll of the Company of Troopers under the Command of *Capt. Nathan Brigham*, as entred the 10. Which was Read & accepted, and thereupon Resolved, That the Wages be allowed and paid out of the Publick Treasury accordingly.

Sent up for Concurrence.

On the Muster-Roll of *Capt. Joseph Heath* at *Richmond* as entred the 9th. Which was Read and accepted, and thereupon Resolved, That the Sum of *Five Hundred & nine Pounds three Shillings & seven Pence* be allowed and paid out of the Publick Treasury, to the Officers and Soldiers born on the within Roll, to whom the same is respectively due, in full discharge of the Wages thereof, agreeable to the said Report. Sent up for Concurrence.

A Petition of *Thomas Prentice* of *Newton* and *Thomas Learned* of *Watertown*, respecting the Bridge they Built over *Charles River*, Anno 1719. praying as entred the 22d of *June* last, and referred to this Session. Read. And the Question was put, *Whether any Allowance shall be made to the Petitioners out of the Publick Treasury?*

It pass'd in the Negative.

A Bill Entitled, *An Act for the preventing of the Inconvenience that may happen to the High Ways by the Incumbrance of Wood, Timber, Stones, Feces, Bars and Gates, and by the narrowness of Carts.* Read a first Time.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

# VOTES

## Of the House of Representatives.

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*ERRATUM.* Page 8. line 27. for Mr. Agent *Cooke*, read Mr. Agent *Dummer*.

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**Jobis Die 11. Novembris, A. D. 1725.**

**A** Petition of *Joseph Bennet* of *Lancaster*, praying for such Allowance for his Time, Trouble and Expence in raising Voluntiers who went after the Indians under the Command of Capt. *Blancher*, as shall be Consistent with the Wisdom and Generosity of this Court. Read. And the Question was put, *Whether any Allowance shall be made to the Petitioner out of the Publick Treasury for the said Service?* It pass'd in the Negative.

A Petition and Accompt of *Noah Johnson* and *Josiah Johnson* of *Woburn*, shewing, That they received several Wounds in the Engagement with the Indian Enemy under the late Capt. *Lovewell* in *May* last, whereby they are so Cripled, that it is doubtful whether they will ever be able to get their Living by their Labour, their Charges of Doctors, Nursing, Attendance, &c. amounting to *l. 36 1 s.* praying for such Relief in the Premises, as to the Wisdom and Compassion of this Court shall seem meet.

Read & Committed to the Committee for Petitions.

A Petition of *Ephraim Ayres*, *James Smith*, *Nathaniel Chapman* and *David Thomas*, Soldiers in the Service of this Province, praying, That this Court would please to Order that the Wages that was due to them for their late Service under the Command of Lieut. *John Lane*, which the Petitioners suggest the said *Lane* has already received out of the Publick Treasury, and converted to his own Use, may be now paid them out of the Treasury, otherwise the Petitioners (as they say,) will be without Relief, and lose their Wages. Read and Committed to Mr. *Thomas Cushing*, and the rest of the Committee for that special Service appointed the last Session of this Court.

Sundry Accompts of Charge, being for Ferrage of Capt. *Kimball* and Capt. *Gold's* Troops in the Service of the Province at *Wells* in *July* last, Certified by the said Capt. *Kimball* & Capt. *Gold*. Read & Committed to the Committee for Muster-Rolls.

An Accompt of *Daniel Ashley* of *Westfield*, amounting to *l. 8 9 s.* for Riding Express from *Westfield* to *Albany*, *Boston* and back again, being detained Six Days in the Service. Read & Resolved, That the Sum of *Eight Pounds nine shillings* be allowed and paid out of the Publick Treasury to Mr. *Ezekiel Lewis*, for the Use of the Accomptant, in full discharge thereof. Sent up for Concurrence.

A Petition of *Preserved Capen, Ebenezer Holmes* and *Edward Foster*, a Committee of the Town of *Dorchester*, praying, That the South Precinct in *Dorchester*, with all the Lands lying in the said Town beyond it, may be set off for a separate and distinct Township, for the Reasons therein mentioned.

Also a Petition of several Persons Inhabiting the South part of *Dorchester*, setting forth their Reasons against the Petition of the Town. Both Read.

And the House entring into some Debate thereon; the Question was put, *Whether the prayer of the Petition of the Committee of the Town of Dorchester shall be granted?*

It pass in the Negative.

Col. *Stoddard* from the Committee for Petitions Reported, On the Petition of *Eleazer Davis*, as entred the 9th. Which was Read & accepted, and *Resolved*, That the Sum of *Twenty five Pounds* be allowed and paid out of the Publick Treasury to *Eleazer Davis* the Petitioner, in Consideration of his past Sufferings, Pain, Loss of Time, and of his Expences, occasioned by his Wound. Sent up for Concurrence. [ 12 ]

On the Petition of *Josiah Jones*, as entred the 9th. Which was Read & accepted, and *Resolved*, That the Sum of *Twenty five Pounds* be allowed and paid out of the Publick Treasury to *Josiah Jones* the Petitioner, in Consideration of his past Suffering, Pain, Loss of Time, and likewise of his Expences since his Removal from *Casco-Bay*.

Sent up for Concurrence.

### Post Meridiem.

*Samuel Thaxter*. Esq; brought down the Petition of *Benjamin Gary, John Vinton, Timothy Wright* and others, in behalf and by direction of the North part of *Charlstown* near *Reading*, praying to be Erected into a Township, as entred the 17th of *June* last, and referred to this Session; Pass'd in Council, viz. In Council, *Novemb. 10th 1725*. Ordered, That Col. *Thaxter* and Maj *Hammond*, with such as the Honourable House of Representatives shall appoint, be a Committee to repair to the Land Petitioned for, to be made a Township, and View the same, and inquire into the Circumstances of the Inhabitants; and make Report as soon as may be, what may be proper for this Court to Act thereon: The Charge of the Committee to be born by the Petitioners.

Sent down for Concurrence. Read & Concur'd. And Ordered, That Mr. *Choate*, Mr. *Torrey* and Maj. *Moodey* be joyned in the Affair.

A Muster-Roll of the Company of Voluntiers in His Majesty's Service under the Command of Capt. *Samuel Willard*, being for his Service on his Second March.

Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service, under the Com-



mand of Capt. *Joseph Blanchard*, being a Company of Volunteers. Read & Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company of Troopers in His Majesty's Service under the Command of Capt. *Isaac Clark* of *Framingham*. Read and Committed to the Committee for Muster-Rolls.

A Petition of *Samuel Whiting* and *Solomon Keyes* of *Billerica*, shewing, That they were in the late Engagement had with the Indian Enemy at *Pigwacket*, and were under the Command of Capt. *John Lovewell*, and each of them received several Wounds in their Bodies, and have been at the Charge of *l. 17 18 s.* for Nursing & Provisions, Medicines, &c. as by the Accompt annexed to the Petition; and by reason of their said Wounds have been unable to do any Work for their Subsistence; praying the compassionate Consideration of this Court, for such Relief, as to their Wisdom and Justice shall seem meet. Read & Committed to the Committee for Petitions.

A Petition of *John Kitteridge* of *Billerica*, Surgeon, praying he may be allowed the Sum of *l. 44 16 s.* for so much he thinks he reasonably deserves, for looking after, dressing the Wounds, and administering Physick, and other Services, to and for *Josiah* and *Noah Johnson*, *Samuel Whiting* and *Solomon Keyes*, Four Soldiers under Capt. *Lovewell*, who were Wounded at the Battle at *Pigwacket*.

Read & Committed to the Committee for Petitions.

A Bill Entitled, *An Act for Apportioning & Assessing a Tax* of Forty Eight Thousand seven Hundred and Nineteen Pounds. Read a second Time.

A Muster-Roll of the Scout in His Majesty's Service under the Command of Serj. *William Brintal* of *Sudbury*. Read & Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Ensign *Moses Hazzen* of *Haverhill*. Read & Committed to the Committee for Muster-Rolls.

A Muster-Roll of a Scout at *Hatfield*, under the Care of Col. *Samuel Partrigg*.

Read & Committed to the Committee for Muster-Rolls.

A Muster-Roll of Serj. *Clesson's* Scout at *Northampton*.

A Second Muster-Roll of Col. *Partrigg's* Scout at *Hatfield*. And sundry Accompts of Meals, Expresses, and sundry other Services in the County of *Hampshire*. Certified by Col. *Partrigg*. All Read and Committed to the Committee for Muster-Rolls. [ 13 ]

An Accompt of Dr. *George Pemberton* amounting to *l. 30 4 s. 6 d.* for sundry Medicines Externally and Internally Administred to the Sick & Wounded at Castle *William*, and sundry other Persons brought from the *Eastward*.

Read & Committed to the Committee for Petitions.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

Veneris Die 12. Novembris, A. D. 1725.

**M**R. *Lewis* from the Committee for Muster-Rolls Reported, On the Muster-Roll of the Company of Troopers under the Command of Capt. *Isaac Clark*, as entred Yesterday: Which was Read & Accepted, and *Resolved*, That the Wages & Subsistence thereof, and the Doctors Accompts, be allowed and paid out of the Publick Treasury to the said Capt. *Isaac Clark*, in full discharge thereof, according to said Report.

Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service under the Command of Ensign *Moses Hazzen*, as entred the 10th. Which was Read and Accepted, and thereupon *Resolved*, That the Wages & Subsistence thereof be allowed and paid out of the Publick Treasury accordingly. Sent up for Concurrence.

Col. *Stoddard* from the Committee for Petitions Reported, On the Petition of *Hannah Lovewell*, Relict Widow of Capt. *John Lovewell* Deceased, praying as entred the 3d. *viz.* The Committee are Opinion, That the Petition be Dismiss'd. Read and accepted, and *Voted*, That the Petition be Dismiss'd.

On the Memorial of *Zechariah Trescot*, as entred the 10th. Which was Read and Accepted, and thereupon *Resolved*, That the Sum of *Three Pounds ten shillings* be allowed and paid out of the Publick Treasury to the said *Zechariah Trescot*; Mr. *Hunt* the Owner of the Horse, being paid by this Court in their last Session, for the Hire of the Horse, and Damage he sustained, in full. Sent up for Concurrence.

On the Accompt of Expence of Mr. Sheriff *Winslow* as entred the 6th: Which was Read and Accepted, and thereupon *Resolved*, That the Sum of *Seventeen Pounds nineteen Shillings* be allowed and paid out of the Publick Treasury to *Edward Winslow*, Esq; in full discharge of the within Accompt accordingly.

Sent up for Concurrence.

On the Petition of *Josiah Johnson* and *Noah Johnson* as entred the 11th. *viz.* The Committee are of Opinion, That the Sum of *l. 21 17 s.* be allowed and paid out of the Publick Treasury to *Noah Johnson* one of the Petitioners, *l. 12* thereof only in consideration of his past Suffering, Pain and loss of Time, he having of late received Pay and Subsistence from the Province, the remaining Sum of *Nine Pounds seventeen Shillings* being in full of his Accompt of Expences: They are likewise of Opinion, That the Sum of *l. 30 2 s.* be allowed and paid out of the Publick Treasury to *Josiah Johnson*, whereof *Sixteen Pounds* is in consideration of his past Suffering, Pain and loss of Time; the remaining Sum of *l. 14 2 s.* is in full discharge of the within Accompt.

Read and accepted, and in Answer to this Petition, *Resolved*, That the Sum of *Twenty one Pounds seventeen Shillings* be allowed and paid out of

the Publick Treasury to *Noah Johnson*. And that the further Sum of *Thirty Pounds two Shillings* be allowed and paid out of the Publick Treasury to *Josiah Johnson*, in full discharge of the Losses and Sufferings set forth in the Petition. Sent up for Concurrence.

### Post Meridiem.

An Accompt of *Joseph Marion* for Writing for the Service of this Government from *May* last, to this time, amounting to *l. 10 6 s. 6 d.* Read and *Resolved*, That the Sum of *Ten Pounds six Shillings & six pence* be allowed and paid out of the Publick Treasury to the Accomptant *Joseph Marion*, in full discharge thereof.

Sent up for Concurrence. [ 14 ]

A Muster-Roll of the Company of Troopers in His Majesty's Service under the Command of Capt. *Joseph Gold* of *Topsfield*; and an Accompt of *Ferrage*.

Read & Committed to the Committee for Muster-Rolls.

A Bill Entitled, *An Act for Apportioning and Assessing a Tax of Forty Eight Thousand seven hundred & Nineteen Pounds.* Read a Third Time, and *Resolved*, That the Bill pass to be Engross'd. Sent up for Concurrence.

*Benjamin Lynde*, Esq; brought down a Petition of *Gershom Bradford*, Agent for and in behalf of the Inhabitants of the North Precinct in *Plymouth*, shewing, That he hath served the Towns of *Plymouth*, *Plympton*, *Pembrook* and *Duxbury* with a Copy of the Petition of the said Precinct, praying to be Erected into a Township, &c. as entred the 18th of *June* last, and referred to this Day; praying, That he may be allowed to make Replication to the Answers of the said Towns against the prayer of their aforesaid Petition; pass'd in Council, viz. In Council, *November 12th 1725.* Read & Ordered, That the Petitioner have Copys of the Answers of the Towns of *Plymouth & Plympton*; and that he give in his Replication thereto on Friday the 26th Instant, that so the Court may come to a Determination thereon. Sent down for Concurrence.

Read & Concurr'd.

A Bill Entitled, *An Act for the prevention of Inconvenience that may happen to the high Ways by the Incumbrance of Wood, Timber, Stones, Fences, Barrs & Gates, and by the narrowness of Carts.* Read a second Time.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Josiah Willard*, at *Turkey Hills.* Read & Committed to the Committee for Muster-Rolls.

*Thomas Hutchinson*, Esq; brought down the Petition of *Caleb Spurrier* of *London*, Merchant, praying as entred the 17th of *June* last, and referred to this Session, which accompanied the Answer of *John Butler* thereto: Pass'd in Council, viz. In Council, *Novemb. 9th 1725.* Read again, together with the

Answer of *John Butler*; which being duely considered, *Ordered*, That this Petition be Dismiss'd.

Sent down for Concurrence. Read & Concur'd.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

**Sabbati Die 13. Novembris, A. D. 1725.**

**A** Muster-Roll of the Company in His Majesty's Service Eastward, under the Command of Capt. *Samuel Jordan*. Read & Committed to the Committee for Muster-Rolls.

*Ordered*, That a Message be sent up to His Honour the Lieut. Governour to desire His Honour would please to lay before the House an Account of the Number and Disposition of the Forces in the Pay and Service of the Province, both in the Eastern and Western Frontiers.

An Accompt of Dr. *Benjamin Sweyan*, amounting to *l. 12 11 s.* being for his Trouble and Charge in making a Cure of the Wounds of *Timothy Richardson* at the Battle of *Pigwacket* in *May* last. Read & Committed to the Committee for Petitions.

Col. *Stoddard* from the Committee for Petitions Reported on the Petition and Accompt of Dr. *John Kitteridge* of *Billerica*, as entred the 11th. Which was Read and Accepted, and thereupon *Resolved*, That the Sum of *Forty four Pounds sixteen Shillings* be allowed and paid out of the Publick Treasury to the said Dr. *John Kitteridge*, in full discharge of the said Accompt.

Sent up for Concurrence. [ 15 ]

*Spencer Phipps* Esq; brought down a Petition of *Elizabeth Coggin*, Relict Widow of Capt. *John Coggin* of *Woburn*, deceased, praying, That the great and hard Services for this Province which her laid Husband undertook in his Life time may be had in remembrance; and that the Court would make her such Allowance for her support, and a Number of small Children, in consideration thereof, as to their Goodness and Generosity shall seem meet, for the Reasons therein given Passed in Council, *viz.* In Council, *Novemb. 13th. 1725.* Read and sent down. Read, and the Question was put, *Whether any Allowance shall be made the Petitioner out of the Publick Treasury?*

It pass'd in the Negative.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported,

On the Muster-Roll of the Company of Voluntiers in His Majesty's Service under the Command of Capt. *Samuel Willard*, as Entred the 11th: Which was Read and Accepted, and *Resolved*, That the Wages thereof be allowed and paid out of the Publick Treasury, according to said Report.

Sent up for Concurrence.

On the Muster-Roll of the Company of Voluntiers under the Command of Capt. *Joseph Blanchard*: Which was Read & Accepted, and *Resolved*, That



the Wages be allowed and paid out of the Publick Treasury, according to said Report.

Sent up for Concurrence.

On Accompt of Col. *Partrigg* for Posts, Meals, &c. as entred the 11th: Which was Read and Accepted, and *Resolved*, That the Sum of *Five Pounds six shillings and six pence* be allowed and paid out of the Publick Treasury to Capt. *Henry Dwight*, to be by him paid to the respective Persons to whom the same is due in full discharge thereof. Sent up for Concurrence.

On another Accompt of Posts, Meals, &c. of Col. *Partrigg* as Entred the 11th: Which was Read & Accepted, and *Resolved*, That the Sum of *Forty two shillings* be allowed and paid out of the Publick Treasury to Capt. *Henry Dwight*, to be by him paid to the Persons to whom it is due, in full discharge thereof.

Sent up for Concurrence.

On the Muster-Roll of the *Hatfield* Scout from *June* to *October* last, under the Care of Col. *Partrigg*, as entred the 11th: Which was Read & Accepted, and *Resolved*, That the Wages & Subsistence thereof, be allowed and paid out of the Publick Treasury accordingly. Sent up for Concurrence.

On an Accompt of Billeting *Connecticut* Soldiers, Certified by Col. *Partrigg* and Capt. *Cyprian Nichols*, as entred the 11th: Which was Read & Accepted, and *Resolved*, That the Sum of *Eleven pounds four shillings & three pence* be allowed and paid out of the Publick Treasury to Capt. *Henry Dwight*, to be by him paid to the Persons that Subsisted the Men, in full discharge thereof.

Sent up for Concurrence.

On the Muster-Roll of the *Hatfield* Scout under the Care of Col. *Partrigg*, from the 4th to the 21st of *September* last: Which was Read & accepted, and *Resolved*, That Wages and Subsistence thereof be allowed and paid out of the Publick Treasury accordingly. Sent up for Concurrence.

An Accompt of *Edward Pell*, amounting to *l. 3 12 s.* for work done at the Province House, Certified by Mr. Sheriff *Winslow*. Read, and *Resolved*, That the Sum of *Three pounds twelve shillings*, be allowed and paid out of the Publick Treasury to the Accomptant *Edward Pell*, in full discharge thereof. Sent up for Concurrence. [ 16 ]

An Accompt of *Zechariah Symmes*, amounting to *l. 8 2 s. 6 d.* for sundry Expresses in the Service of this Province by Order.

Read and Committed to the Committee for Petitions.

A Petition of Capt. *Josiah Willard* of *Turkey-hills*, praying, That the Establishment for Billeting Soldiers there, may be Advanced One or Two Shillings per Week, for the reasons therein given. Read, and the Question was put, *Whether the prayer of the Petition shall be granted?* It pass'd in the Negative.

A Petition of the Inhabitants of the Town of *Sudbury*, on the Westerly side of the River called *Elizabeth River*, praying, That they may be set off from the said Town of *Sudbury*, and annexed to the Town of *Stow*; and that they may

enjoy Equal Privileges and Advantages with the Inhabitants of the said Town of *Stow*; and that they may be freed from the Taxes of the Meeting-House in the East Precinct in *Sudbury*; and that they may be Reimbursed what they have already paid thereto; and that they shall be willing to forego their Right to a Bridge over said *Elizabeth River*, and do their proportion to the Great Bridge in *Sudbury*, for the reasons mentioned in the Petition; brought down by Major *Hammond*. Pass'd in Council, *viz.* In Council, *Novemb.*

13th. 1725. Read, and *Ordered*, That the Petitioners serve the Town of *Sudbury* with a Copy of this Petition, that so they give in their Answer thereto (if they see cause) on Tuesday the Thirtieth Instant, (if the Court be sitting at that Time) otherwise on the first Tuesday of the next Session.

Sent down for Concurrence. Read and Concurr'd.

An Accompt of the Commissioners of the County of *Essex*, for Letting out the *l.* 100,000 Loan, from *October 21. 1724.* to *October 21. 1725.* Read and Committed to the Committee for Examining the Commissioners Accompts of said Loan.

An Accompt of the Commissioners for the County of *Plymouth*, for Letting out the *l.* 100,000 Loan, from *Febr. 13th. 1723, 4.* to *Febr. 13th. 1724, 5.* Read and Committed to the Committee for Examining the Commissioners Accompts of said Loan.

Col. *Stoddard* from the Committee for Petitions, Reported on the Petition of *Samuel Whiting* and *Solomon Keyes*, as Entred the 11th. *viz.* The Committee are of Opinion, That the Sum of *l. 14 14 s.* be Allowed and paid out of the Publick Treasury to *Samuel Whiting. l. 10* thereof only in consideration of his past suffering, pain, and loss of Time, he having for some time received the Country Pay and Subsistance, the remaining Sum of *l. 4 14 s.* being in full discharge of his Accompt. They are likewise of Opinion, That the Sum of *l. 20 12 s.* be Allowed and Paid out of the Publick Treasury to *Solomon Keyes, l. 12* thereof in consideration of his past suffering, pain, and loss of Time, the remaining Sum of *l. 8 12 s.* being in full to discharge the within Accompt. Read

and Accepted, and *Resolved*, That the Sum of *Fourteen pounds fourteen shillings* be allowed and paid out of the Publick Treasury to *Samuel Whiting*; and that the further Sum of *Twenty pounds twelve shillings* be allowed and paid out of the Publick Treasury to *Solomon Keyes*, in full discharge of their Losses, &c. as set forth in their Petition and Accompt thereto annexed, agreeable to the above Report. Sent up for Concurrence.

Then the House Adjourn'd till Monday next Three a-Clock Afternoon.

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# VOTES

## Of the House of Representatives.

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Lunæ Die 15. Novembris, A. D. 1725.

**J**onathan Dowse, Esq; brought down the Petition of *Nathaniel Brown* and *Joseph Peck* in the Name and by Order of the Town of *Rehoboth*, praying, That a Resolve of this Court respecting the Rating of some Salt Meadows, called the 100 Acre Meadow, to the Town of *Barrington*, may be Repealed, for the Reasons therein mentioned, as entred the 17th of *June* last, and referred to this Session. Read, together with the Answer of the Town of *Barrington* thereto. Pass'd in Council, viz. In Council, *Novemb.* 13th 1725. Read again, together with the Answer of the Town of *Barrington*; and the same being fully considered, Ordered, That this Petition be Dismiss'd. Sent down for Concurrence. Read & Concur'd.

A Muster Roll of the Sloop *George*, a Transport in His Majesty's Service Eastward, *David Franklyn* Master. Read and Committed to the Committee for Muster-Rolls.

Mr. Secretary *Willard* brought down from His Honour a List of the Number of Forces in the Western Frontiers; with a Message from His Honour, That Col. *Westbrook* is daily expected; and on his Arrival He will lay before the House an Account of the Number of the Forces in the Eastern Frontiers.

An Accompt of *Joseph Bennet* for going Express from *Boston*, to Lieut. Governour *Wentworth* at *Portsmouth* in *New-Hampshire*; Horse Hire, Expences, Time, &c. amounting to *l. 3* Read and Resolved, That the Sum of *Three Pounds* be allowed and paid out of the Publick Treasury to the Accomptant *Joseph Bennet*, in full discharge thereof. Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Richard Bourn*. Read & Committed to the Committee for Muster-Rolls.

An Accompt of *Peter Roe* of *Suffield*, Taverner, for Billetting sundry Men in the Service of this Province in the County of *Hampshire*. Certified by Col. *Goodrich* and Capt. *Nichols*, amounting to *l. 7 8 s. 11 d.* Read and Resolved, That the Sum of *Seven Pounds eight Shillings & eleven Pence* be allowed and paid out of the Publick Treasury to Mr. *John Kent*, to be by him paid to the said *Peter Roe*, in full discharge of the said Accompt. Sent up for Concurrence.

Mr. Secretary *Willard* brought down the Journal & Conference of Capt. *Thomas Smith*, lately had at *St. George's* with the *Penobscut* Tribe of Indians.

*Edward Hutchinson*, Esq; brought down the Petition of *John Ring* of *Glocester*, praying for a new Hearing of an Action Originally brought by him against *John Bennet* late of *Glocester*, now Deceased, respecting the Privilege of a Stream or River in *Glocester*, for carrying on a Corn or Grist Mill, as Entred the 23d of *June* last, and referred to this Session: Which accompanied the Answer of the Administrators to the said *Bennet's* Estate thereto. Pass'd in Council, viz. In Council, *Novemb.* 13th 1725. Read again, together with the Answer of *John Bennet*; and the same being duely considered, Ordered, That this Petition be Dismiss'd.

Sent down for Concurrence. Read & Concur'd.

Then the House Adjourn'd till to Morrow Morning Ten a Clock. [ 18 ]

*Martis Die 16. Novembris, A. D. 1725.*

**M**R. Speaker from the Committee appointed the Ninth to take under Consideration the Order for Payment of sundry Muster-Rolls of Voluntiers, during the last Recess of this Court, made Report according to Order: Which Report being Read twice; and the House having duely considered the same, Voted, That the said Report be accepted; and that a Remonstrance be made to the Honourable Board accordingly.

Whereupon the following Vote pass'd, viz.

*THE House of Representatives taking into Consideration the Warrants Pass'd by His Honour the Lieut. Governour and Council, for Payment of several Companys of Voluntiers during the Recess of this Court, find themselves obliged to make the following Observations & Remonstrances thereon to the Honourable Board:*

I. THAT the Honourable Board have, in the Recess of the Court, passed upon Four Muster-Rolls, viz. Capt. *Willard's*, Capt. *Blanchard's*, Capt. *White's* and Capt. *Wyman's*, amounting in the whole to the Sum of *Two Thousand two Hundred Eighty one Pounds, six Shillings & eight Pence*; and thereof have Ordered Payment out of the *Thirty nine Thousand Pounds* appropriated by a Resolve of the General Court, for the Supply of the Treasury, passed the 11th Day of *June* last, for Payment of Accompts, Muster-Rolls, &c. pass'd on for Payment by the General Court; to which Resolve the House are of Opinion, the Ordering of the above-mentioned Payments are wholly disagreeable.

II. THE House cannot but take Notice, That the Officers and Soldiers born on Capt. *Willard's* Roll, are allowed the Wages designed for such as should March into the Enemy's Country; to which Extraordinary Pay, the House are of Opinion, they are no ways Entitled, not having Marched at a distance from the Frontiers, but kept within the Range of the common and ordinary Scout.



III. THE House observe, That Five Men, *viz. Joshua Parker, Thomas Burt, Robert Gary, Jacob Moor, and Jeremiah Belcher*, entred for the whole Time in Capt. *Willard's* Roll; and that each Man received *Nine Pounds four Shillings*, altho' they were in the Service but one Week, and did not March Twenty Miles out, which might have been observed from Capt. *Willard's* Journal. The House further observe, That *Brentnal* and *How* were allowed in the same Roll *Nine Pounds four Shillings* each, altho' they were out but Nine Days, and did not Travel much more than Twenty Miles out; as also that Two Men have received Serjents Pay more than ought to have been allowed for the Number of Men in Capt. *Willard's* Company, which is too great a Misapplication of the Publick Money to pass without being remarked.

IV. THE House observe, That in the Muster-Roll of Capt. *Wyman* allowed and ordered to be paid in the Recess of the Court, two Men allowed Serjent's Pay beyond the Establishment; and also two other Men, *viz. Whitney* and *Nurse*, who did not proceed on the March, yet have received *Nine Pounds* each; and likewise Eight Men more who did no Duty or Service, and are on the Roll entred, *taken Sick*, which does evidence that they did not March at a distance from the Frontiers, and so could not be entitled to any Pay, much less to the Extraordinary Pay of Voluntiers; yet they have received *Nine Pounds* each out of the Publick Treasury.

V. UPON examining Capt. *Blanchard's* Roll, the House observe Two Men, *viz. Josiah Blanchard* and *Stephen Wheeler* carried out for the whole Time, and have received *Nine Pounds four Shillings* each, altho' those Men were not on the March, nor in the Service more than Fourteen Days at most.

VI. THE House do further observe and remark on the Four Muster-Rolls aforesaid, That all the Men are entred Fifteen Days before they Marched, and the Officers [19] a greater Number of Days; whereby the Fourth part of the said Sum of *Two Thousand two Hundred eighty one Pounds six Shillings & eight Pence* at the least, has been Paid to Persons, without any Order or Resolve of the General Court Intitling them thereto.

ALL which proceedings of the Honourable Board, the House apprehend to be not only contrary to the Resolves and Acts of the General Court, but also by no means to be passed over in Silence by the House, who are the Representative Body of the People.

Therefore,

*Resolved*, That the afore-mentioned Articles be Remonstrated to the Honourable Board as GRIEVOUS; that so such Misapplications of the Publick Money may be prevented for the future.

Mr. Speaker being necessarily detained in the Publick Service of the Province;

*Voted*, That *John Stoddard, Esq;* be the Speaker of this House, during the Absence of Mr. Speaker *Dudley*; and he was accordingly conducted to the Chair.

A Muster-Roll of the Company in His Majesty's Service under the Command of Col. *Eleazer Tyng*, Captain, from *June 24th*, to *Novemb. the 3d* past.

Read and Committed to the Committee for Muster-Rolls.

*Voted*, That Maj. *Moodey* and Mr. *Phillips* be added to the Committee for Petitions.

*Paul Dudley*, Esq; brought down a Petition of *Sarah Tomlin* of *Boston* Widow, setting forth, That by one certain Deed or Instrument under her Hand and Seal duely Executed and Recorded, she did for the Consideration therein mentioned, Grant, Bargain and Sell on the *24th* of *September 1716*, unto *Joshua Lamb* of *Roxbury*, Esq; and *Stephen Williams* of *Roxbury*, Yeoman, (who is since Deceased,) and to their Heirs in equal Halves absolutely in Fee, all her Messuage, Tenement, Land, Wharff, Beach and Flats, &c. as in the said Instrument is particularly described; and the said *Joshua Lamb* and *Stephen Williams* in his Life time, did by a certain Deed or Instrument of Defeazance duely Executed and Recorded, bearing equal Date with the Deed aforesaid, Declare, That the said Deed was made only for the Security of the Payment of *l. 300* and Interest, to them their Heirs, &c. on or before the *25th* of *Septemb. 1717*, and for no other Cause or Consideration: Praying, That inasmuch as the Children and Heirs of the said *Stephen Williams* who Dyed Intestate, are many in Number, That this Court would please to Authorize and Impower his Administrators, viz. his Relict Widow *Sarah Williams*, and Son *John Williams*, to joyn with the the said *Joshua Lamb*, in Releasing and Reconveying the Premises to the Petitioner and her Heirs for ever, as in her former Estate, for the Reasons therein given. Pass'd in Council, viz. In Council, *Novemb. 16th 1725*. The Administrators of the Estate of *Stephen Williams* Deceased, being sufficiently impowered by Law and the Instrument of Defeazance, to joyn in the Releasing and Reconveying the House and Land mentioned in the Petition; Ordered, That this Petition be Dismiss'd. Sent down for Concurrence.

Read & Concur'd.

A Petition of *Richard Cutt* of *Kittery* Wounded in the Service of the Province, praying as Entred the *4th* and *16th* of *June* last, and referred to this Session. Read and Recommitted to the Committee for Petitions.

### Post Meridiem.

Col. *Stoddard* from the Committee for Petitions, Reported, On the Accompt of Dr. *George Pemberton*, as entred the *11th*: Which was Read & Accepted, and there upon Resolved, That the Sum of *Thirty Pounds four Shillings & six Pence* be allowed and paid out of the Publick Treasury to the Accomptant Dr. *George Pemberton*, in full discharge thereof. Sent up for Concurrence.

On the Accompt of *Zechariah Symmes*, as entred the 13th: Which was Read and Accepted, and *Resolved*, That the Sum of *Five Pounds twelve Shillings* be allowed and paid out of the Publick Treasury to *Zechariah Symmes*, in full discharge of the said Accompt.

Sent up for Concurrence. [ 20 ]

A Petition of *Phineas Richardson*, *Abner Harris*, *Seth Read*, *Ebenezer Sprague*, *Ebenezer Harnden* and *Thomas Williams*; praying, That the Sum of *l. 13 13 s.* may be allowed and paid out of the Publick Treasury to each of them, for their Services to this Province, under the Command of Col. *Edmund Goffe*, from the 19th of *August* to the 4th of *Nov. 1724*, as appears by Col. *Goffe's* Roll, presented to this Court in their last Session, *viz.* the 12th of *June* last. for the reasons therein mentioned. Read and Committed to Mr. *Wilder*, Mr. *Thomas Cushing* and Capt. *Goddard*, to take the same under Consideration, and Report their Opinion of what may be proper for the Court to pass thereon.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported,

On the Muster-Roll of the Sloop *George*, *David Franklyn*, Master, as entred Yesterday: Which was Read & Accepted, and *Resolved*, That the Wages and Sloop-Hire be allowed and paid out of the Publick Treasury accordingly.

Sent up for Concurrence.

On the Muster-Roll of the *Northampton* Scout under the Command of Serj. *Joseph Clesson*, as entred the 11th: Which was Read & Accepted, and *Resolved*, That the Wages and Subsistence thereof, be allowed and paid out of the Publick Treasury, according to said Report. Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Samuel Jordan*, from *June* 18th, to *Novemb. 11th 1725*. Which was Read and Accepted, and *Resolved*, That the Wages thereof be allowed and paid out of the Publick Treasury, according to said Report. Sent up for Concurrence

On the Muster-Roll of the Company of Troopers in His Majesty's Service under the Command of Capt. *Joseph Gold*, as entred the 12th: Which was Read & Accepted, and *Resolved*, That the Wages and Subsistence for themselves and Horses, and also for their Ferrage, be allowed and paid out of the Publick Treasury, according to said Report. Sent up for Concurrence.

*John Cushing*, Esq; brought down the Report of the Committee of both Houses, appointed at a Session of this Court, begun and held at *Boston* in *August 1722*. for Filing the Papers and Records, &c. of the Government, which were saved when the Town-House was Burnt, *viz.*

Pursuant to the Order on the other side, We have attended the Service therein mentioned, and carefully examined and sorted the Papers refer'd to; having as far as we are able, placed them to their respective Years, and other

proper Classes, by which they may be easily found: We are humbly of Opinion, That the Rolls of the Acts (in Parchment, and under the Province Seal,) and all the Plats of Lands granted by the General Assembly, either to Towns or particular Persons, ought to be lodged in a safer Place, where they may be easily removed, in case of Fire: The Time of our Attendance on this Service is here added.

Signed, *Addington Davenport*, in the Name of the Committee. Pass'd in Council, *viz.* In Council, *Novemb.* 16th 1725. Read and sent down.

Read & Accepted, and *Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury to *Addington Davenport*, Esq; to be by him paid to the Gentlemen to whom it is due, in full for their Service above-mentioned. *And further*, That Mr. *Lewis*, Mr. *Tay* and Mr. *Lindal*, with such as the Honourable Board shall appoint, be a Committee to look out for some more suitable & safe Place (for Removal in Case of Fire,) for the Rolls of the Acts in Parchment under the Province Seal; and the Plats of Lands granted by the General Assembly, to be lodged in; and make Report thereon.

Sent up for Concurrence.

And, A Resolve of the House of the 21st of *June* past, founded on a Report of a Committee appointed to Consider of the Report of *William Ward* Surveyor, who was appointed to Survey a Tract of Land joyning to the West Line of the Town of *Mendon*, upon the Petition of Dr. *William Douglass* and his Associates, as entred the 8th of *December* last; with a Message, That the Board were of Opinion it was proper for the House to Revive their Resolve aforesaid; which was pass'd in Council in these Words, *viz.* In Council, *June* 21st 1725. Read and referred to the next Session.

Read. And thereupon the following Vote pass'd, *viz.* [ 21 ]

*Resolved*, That the Sum of *Thirty nine pounds four shillings* be Allowed and Paid out of the Publick Treasury to Dr. *William Douglass*, and his Associates in lieu and full Satisfaction of One Hundred and Ninety Six Acres of Land, so much as appears has fallen short of the Quantity Sold him by the Committee; That the Treasurer be directed to see the Receipt of the said Money indorsed on the Original Deed, that so the repayment of the Money may appear; and that the further Sum of *Seven pounds two shillings*, be Allowed and Paid out of the Publick Treasury to Dr. *William Douglass*, for the Charge of the Survey, to be by him paid to whom it is respectively due, in full discharge thereof. Sent up for Concurrence.

*Spencer Phipps* Esq; brought down a Petition of *Mary Flack* of *Boston*, Widow, shewing, That she has taken on her self the sole Care of the Maintenance and Education of her Orphan Grand-child *Mary Heddeball*, of about Ten Years of Age, who is intituled to one Sixth part of a small House-lot in *Boston*, as the same is therein described and set forth; praying, That she may be impowred to make Sale thereof, the produce to be disposed for the use of the



said Orphan, as this Court shall please to Order, for the Reasons therein given. Passed in Council, *viz.* In Council, *Novemb.* 16th. 1725. Read, and Ordered, That the prayer of this Petition be granted, and that the Petitioner be accordingly impowred to Execute a good and sufficient Deed in the Law for Sale of the Land mentioned in the Petition; the Money produced by the said Sale, to be put into the hands of Mr. *Thomas Cushing*, to be by him improved for the Benefit of the Orphan.

Sent down for Concurrence. Read and Concurr'd.

An Accompt of *Joseph Kneeland*, for sundry Repairs for the Province House, Amounting to *l.* 3 Read and Resolved, That the Sum of *Three Pounds* be Allowed and Paid out of the Publick Treasury to *Joseph Kneeland*, the Accomptant, in full discharge thereof. Sent up for Concurrence.

Col. *Stoddard* from the Committee for Petitions, Reported, On the Petition of Dr. *Benjamin Sweayn*, as entred the 13th. Which was Read and Accepted, and Resolved, That the Sum of *Twelve pounds eleven shillings*, be Allowed and Paid out of the Publick Treasury to Mr. *Thomas Bancroft*, to be by him paid to Dr. *Benjamin Sweayn*, in full discharge of the said Accompt. Sent up for Concurrence.

On the Accompt of Mr. Sheriff *Winslow*, for sundry Services, dispersing Proclamations, &c. as entred the 6th. Which was Read and Accepted, and Resolved, That the Sum of *Thirty six pounds four shillings*, be Allowed and Paid out of the Publick Treasury to *Edward Winslow Esq;* in full discharge thereof.

Sent up for Concurrence.

A Petition of Capt. *Samuel Jordan*, shewing, That he was appointed one of the Interpreters to the Commissioners lately sent to *Canada*, and in that Journey he left his Horse with Capt. *Ashley* at *Westfield*, which was of the value, as the Petitioner declares, of *Thirty Pounds*; that upon his return the said Horse could not be found; but is lost, as he supposes; praying, That he may be allowed the said Sum out of the Publick Treasury, for the Reasons aforesaid. Read & Committed to the Committee for Petitions.

An Accompt of *Humphry Scammon* for Ferrage of sundry Officers and Soldiers in the Service of this Province, as entred the 10th Currant. Read and Resolved, That the Sum of *Seventeen Pounds eighteen Shillings & six Pence* be allowed and paid out of the Publick Treasury to the Accomptant *Humphrey Scammon*, in full discharge thereof. Sent up for Concurrence.

A Muster-Roll of Six Men Posted at *Hadley*, signed *Samuel Bernard*, and Vouched before Col. *Partrigg*. Read & Committed to the Committee for Muster-Rolls.

Then the House Adjourn'd till to Morrow Morning Ten a Clock. [ 22 ]

Mercurij Die 17. Novembris, A. D. 1725.

MR *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Josiah Willard*, at *Turkey-Hills*, as entred the 12th. Which was Read & Accepted, and *Resolved*, That the Wages & Subsistence thereof, be allowed and paid out of the Publick Treasury, according to said Report. Sent up for Concurrence.

On the Muster-Roll of Col. *Eleazer Tyng*, as Entred the 16th. Which was Read and Accepted, and *Resolved*, That the Wages and Subsistence thereof be Allowed and Paid out of the Publick Treasury, according to the said Report.

Sent up for Concurrence.

On the Muster Roll of the Company in His Majesty's Service under the Command of Capt. *Richard Bourn*, as Entred the 15th. Consisting chiefly of *Indian* Voluntiers. Which was Read and *Resolved*, That the Wages thereof be Allowed and Paid out of the Publick Treasury to Mr. *John Paine* and *Ezra Bourn* Esq; to be by them paid to the Officers and Soldiers born on the within Roll, in full discharge thereof; and the said Two Gentlemen are hereby desired and directed to pay none of the Wages due to any of the *Indians*, but such *Indians* to whom the same is respectively due by said Roll, who are carried out as Servants, unless the said Gentlemen shall be fully satisfied in their Opinion, That the said *Indians* are really and truly the Servants of the Persons to whom they are carried out as such: Any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

A Muster-Roll of the Company of Troopers in His Majesty's Service under the Command of Capt. *Richard Kemball*.

Read and Committed to the Committee for Muster-Rolls.

A Muster Roll of a Company in His Majesty's Service Eastward, under the Command of Capt. *John Penhallow*.

Read and Committed to the Committee for Muster-Rolls.

A Memorial and Accompt of *John Hill*, and 28 Others, praying, They may be Allowed for Four Days Service after the *Indian* Enemy, who killed some Men near *Dunstable*, for the Reasons therein mentioned.

Read and Committed to the Committee for Muster-Rolls.

A Petition of *William Baker* of *Ipswich*, shewing, That he Appealed from a Judgment or Sentence of Mr. Justice *Appleton* obtained against him, on a Complaint brought by *Anne Emmerson* of *Ipswich*, Single-woman, before the said Justice, in the Month of *March* last, to the then next Court of General Sessions of the Peace to be held at *Salem*, in and for the County of *Essex* in *June* last; but in taking the Recognizance for the Prosecution of the Appeal, it was made to Prosecute the Appeal at the Court of Quarter Sessions, instead of the Court of General Sessions of the Peace; and for that Mistake, as the

Petitioner supposes, the Court of General Sessions of the Peace were pleased to confirm the Sentence or Judgment of the said Justice, for not Prosecuting his Appeal according to Law; whereby he is without Remedy, and has greatly suffered thereby; praying, That he may be Allowed to file his Reasons of Appeal, and have a Tryal of the said Cause at the next Court of General Sessions of the Peace to be held at *Salem*, in and for the said County of *Essex*, or that he may be otherwise relieved; for the Reasons therein mentioned. Read, and in Answer to this Petition, *Resolved*, That the prayer thereof be so far granted, as that the Petitioner be Allowed to file his Reasons of Appeal according to Law, from the Judgment or Sentence of Mr. Justice *Appleton*, to the next Court of General Sessions of the Peace to be held at *Salem* in and for the County of *Essex*, in *December* next, and to give timely Notice thereof to the Adverse party: And the said Court of General Sessions of the Peace is hereby directed and impowred to hear and try the said Cause, and to Enter up Judgment and Award Execution accordingly; And that Execution for Costs taxed by the Court of General Sessions of the Peace (if not already extended) be suspended in the mean time: Any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence. [ 23 ]

A Petition of *Mary Norton* and *Abigail Gillum*, Administrators on the Estate of their late Father *Arthur Mason*, late of *Boston*, deceased, in behalf of themselves and others the Heirs of the said Deceased; shewing, That they are desirous of settling the said deceased's Estate in *Boston* by Agreement among themselves; but so it is, That one of the Coheirs of the said deceased has been for many Years, and is now bereaved of her Understanding, and one of the other Heirs being a Minor, and so incapable of acting; praying this Court would empower the Judge of Probate for the County of *Suffolk*, to Appoint a Guardian for the Two Heirs aforesaid, who may be Enabled and Impowred to joyn with the Petitioners in making a Settlement and Division of the said Estate to and among the Heirs of the said deceased, according to Law. Pass'd in Council, *viz.* In Council, *Novemb.* 17th. 1725. Read, and Ordered, That the prayer of the Petition be granted. Sent down for Concurrence. Read and Concurr'd.

Col. *Stoddard* from the Committee for Petitions, reported, On the Petition of *Richard Cutt* of *Kittery*, as Entred Yesterday, The Committee are of Opinion, That the Sum of *l.* 61 be Allowed and Paid out of the Publick Treasury to *Richard Cutt*, *l.* 18 thereof in consideration of his having paid for his own Cure, other *l.* 18 in consideration of his Nursing and Subsistence; the remaining Sum of *l.* 25 is in consideration of his Suffering, Pain, and loss of Time till the 26th of *May* last. Read and Accepted, and *Resolved*, That the Sum of *Sixty one Pounds*, be Allowed and Paid out of the Publick Treasury, agreeable to the above Report, to the said *Richard Cutt*.

Sent up for Concurrence.

**Post Meridiem.**

A Muster-Roll of the Company in His Majesty's Service under the Command of Serjeant *Thomas Newhall*. Read and Committed to the Committee for Muster-Rolls.

A Petition of *Robert Richardson* of *Chelmsford*, shewing, That he was a Soldier in the Service of this Province in the Year 1711. and was sent on a March after the *Indian* Enemy under the Command of Col. *Walton*, and that in the said March the Petitioner was taken Sick and Lame, and was at the Expence of *l. 7 10 s.* for his Cure, as by a Certificate from Dr. *Jonathan Prescott* of *Concord*; praying, That the said Sum may be Allowed him out of the Publick Treasury, for the Reasons therein given.

Read and Committed to the Committee for Petitions.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster Roll of Serjeant *William Brintall*, and Company, as Entred the 11th. Which was Read and Accepted with an Amendment, and Resolved, That the Wages and Subsistence thereof be Allowed and Paid out of the Publick Treasury accordingly.

Sent up for Concurrence.

A Journal of the Proceedings of Capt. *Thomas Smith* in his Voyage to St. *Georges* River, and back again, &c. Read.

A Report of Messieurs *John Ashley* and *William Pynchon*, appointed to Repair to a Parcel of Land, containing about 100 Acres on the South side of *Stony brook* in *Suffield*, on the Petition of Mr. *John Kent* of *Suffield*, as entred the 22d of *June* last, viz. *Suffield*, August 16. 1725. Pursuant to an Order of the General Assembly of the Province of the *Massachusetts-Bay*, at their Session in *May*, Anno Dom. 1725. appointing *John Ashley*, Esq; and Mr. *William Pynchon*, to view a Tract of Land in the Town of *Suffield*, it being a Reserve of 100 Acres of Land out of the Grant of that Township, which said 100 Acres of Land was Petitioned for by Mr. *John Kent*, one of the Members of the House of Representatives, that he might Purchase the said 100 Acres of Land; We the Subscribers having been on the said Land, have taken a View of the same, and by our own Judgment with what Information we can get from some of the Inhabitants of said Town, are of Opinion, That the said Land is worth 15 *s. per Acre*, one Acre with another, and no more. As Witness our Hands the Day above-written.

*John Ashley*  
*William Pynchon.*

Read.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.



# VOTES

## Of the House of Representatives.

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Jobis Die 18. Novembris, A. D. 1725.

**M**R. *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of the Company of Troopers in His Majesty's Service, under the Command of Capt. *Richard Kimball*, as Entred Yesterday; which was Read and Accepted, and *Resolved*, That the Wages thereof be Allowed and Paid out of the Publick Treasury, according to the said Report.

Sent up for Concurrence.

On the Memorial of Capt. *John Hill*, and his Accompt of Services, as entred Yesterday, which was Read, and the Question was put, *Whether the House would Accept the Report of the Committee thereon?* It pass'd in the Negative. Then the Question was put, *Whether the said Memorial and Accompt shall be dismiss'd?*

Resolved in the Affirmative.

A Memorial of *Jonathan Richardson*, and others of the Town of *Chelmsford*, setting forth sundry Objections against Mr. *Samuel Chamberlain*, Representative of the said Town of *Chelmsford*, his being allowed to Continue a Member of this House.

Read and dismiss'd.

Mr. *Lewis* from the Committee for Muster Rolls, Reported, On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *John Penhallow*, as Entred the 17th. Which was Read and Accepted, and *Resolved*, That the Wages thereof be Allowed and Paid out of the Publick Treasury, according to the said Report.

Sent up for Concurrence.

Mr. *Cushing* from the Committee for that Service appointed, Reported, On the Petition of *Ephraim Ayers*, and others, Soldiers, late under Lieut. *Lane*, as Entred the 11th. viz. The Committee having inquired into the Affair mentioned in the within Petition, and finding that the within Named *David Thomas* made Oath before *Samuel Came Esq*; the 29th of *Sept.* last past, That he never signed to Lieut. *Lane* to receive his Wages due on said *Lanes* Muster-Roll, are therefore of Opinion, That *l. 10 s.* be paid out of the Publick Treasury to the said *Thomas*, or Order, being the Wages due to him on said Roll: As to *Ephraim Ayers*, *James Smith* and *Nathaniel Chapman*, they not having Aver'd in their Petition; nor made Oath, That they never signed any Order to the said *Lane* for their Wages; and the Committee having compared their Names affixed to this Petition, with their Names affixed to the Order, by which the said *Lane* received their Wages, and find them so exactly to agree, That we are of

Opinion, That they signed the said Orders, and that therefore the Petition so far as relates to the said *Ayers, Smith and Chapman*, be dismiss'd. Read and Accepted, and *Resolved*, That the Sum of *Ten Pounds two shillings* be Allowed and Paid out of the Publick Treasury to *David Thomas*, in Answer to the said Petition, agreeable to the above Report.

Sent up for Concurrence.

*Spencer Phipps* Esq; brought down the Petition of *William Baker*, with the Vote of the House thereon, as Entred Yesterday. Pass'd in Council, *viz.* In Council, *Novemb. 17th. 1725.* Read and Concurr'd, provided, the Prosecutor or Complainant may at the Tryal to be had before the Court of General Sessions of the Peace, have the Benefit of the Witnesses that were upon the Tryal before Mr. Justice *Appleton*.

Sent down for Concurrence.

Read and Concurr'd. [ 26 ]

### Post Meridiem.

A Petition of *Hugh Pike* of *Newbury*, praying, That he may have some Extraordinary Allowance for his Wounds received in the Service of this Province formerly, for the Reasons therein mentioned. Read and Committed to the Committee for Petitions.

*Upon a Motion being made by several Members, That the Doctor's Bills for Visits, &c. at His Majesty's Castle William, have of late been very large, altho' there hath been but little Sickness there;*

*Voted*, That the Representatives of the Town of *Boston*, be a Committee to agree with Dr. *George Pemberton*, or some other Chyrurgeon for a Year, who shall be acceptable to His Honour the Lieut. Governour, that the Debt of the Province may be not unnecessarily Augmented. Sent up for Concurrence.

An Accompt of Col. *Stoddard* for sundry Expresses in the Service of this Province, and for Subsisting Forty two *Connecticut* Soldiers in *Sept.* and *Octob.* last. Certified by Capt. *Cyprian Nichols*, amounting in the whole to *l. 10 8 s.* Read and *Resolved*, That the Sum of *Ten Pounds eight Shillings* be allowed and paid out of the Publick Treasury to Col. *John Stoddard*, to be by him paid to the Persons to whom the same is due, in full discharge of the within Accompt. Sent up for Concurrence.

An Accompt of Dr. *Henry Blaisdale*, amounting to *l. 14 14 s. 10 d.* for sundry Medicines afforded and supplied to the Soldiers on the Frontiers Westward, under the Command of Col. *Tyng*. Read and Committed to the Committee for Petitions.

A Petition of Dr. *Henry Blaisdale*, shewing, That he has taken Care of many Sick and Wounded Men, Voluntiers and other Soldiers in the Service, for which he thinks he deserves the Sum of *l. 10* praying the same may be allowed him

out of the Publick Treasury, for the Reasons therein given. Read & Committed to the Committee for Petitions.

*Upon Reading a Petition of Mr. John Kent of Suffield, praying as entred the 18th of December and 22d of June last, for Leave to Purchase a Tract of Land containing about One Hundred Acres, on the South side of Stony-brook (so called,) in Suffield, near where Northampton and Springfield Ways to Windsor meet, Reserved to the Government in the Grant of the Town of Suffield; and the Report of the Committee appointed the 22d of June last, to repair to the said Lands, view the Quality thereof, and Report their Opinion of the Value of the same, as entred Yesterday and Accepted:*

*Voted and Granted* to the said *John Kent* his Heirs and Assigns for ever, in Consideration of the Sum of *Seventy five Pounds* in Bills of Credit, paid to the Treasurer or Receiver General of this Province for the Use of the Province, One Hundred Acres of Land, lying and being on the South side of *Stony-Brook*, (so called,) in the Town of *Suffield*, near where *Northampton* and *Springfield Ways* to *Windsor* meet; a Plat thereof to be taken by a Surveyor and Chain-Men on Oath, and to be returned to this Court at their Session in *May* next, for further Confirmation: The Charge of the Survey and Plat to be paid by the said *John Kent*. Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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**Veneris Die 19. Novembris, A. D. 1725.**

**J**ohn Wheelwright, Esq; brought down a Petition of *Joseph Meader*, in behalf of divers of the Indian Inhabitants of *Nantucket*, shewing, That the Committee appointed by this Court in their last session, to repair to *Nantucket*, in order to redress sundry Inconveniencies and Grievances they lay under by reason of the English Inhabitants there, have not attended that Service, by reason of Sickness and Remoteness of the Committee from *Nantucket*; so that they ly under the Inconveniencies, &c. they did, when they preferred their Petition in the last Session of the Court; praying for [ 27 ] such Relief as to this Court shall seem meet. Pass'd in Council, viz. In Council, *Novemb. 18th 1725.* Read and Ordered, That *John Otis, Melatiah Bourn, Daniel Parker, Peter Thacher* and *Joseph Lothrop*, Esqrs; or any Three of them, be a Committee, to repair to *Nantucket* in the Recess of this Court, and make Inquiry into the Matter Complained of by the Indians of *Nantucket*; and make Report to this Court at the next *May* Session, what may be proper to be done in Answer to the Petition of the said Indians: The Charge to be born as this Court shall Order.

Sent down for Concurrence.

Read and Concurr'd.

A Message from the Board by *Nathaniel Byfield, John Clark and Thomas Palmer, Esqrs; viz.* In Council, *Novemb. 18th 1725.* The Board having received a Message from the House of the 16th Instant, respecting the Muster-Rolls of several Companies of Voluntiers, think themselves obliged to set the Matter therein contained in a true Light, in case the said Message should come out in the Prints; but not being willing to be diverted at this time from the Important Affairs now under the Consideration of this Court, propose that the House would stop the said Message from going into the Print, at least for the present, that so the Answer of the Board may appear with it, if it be thought proper to be Printed at all.

*J. Willard, Secr.*

Read.

A Memorial of *Samuel Partrigg, Esq;* of *Hatfield*, shewing, That he has for many Years past, served the Interest of this Province in many Publick Stations and Employments, especially in Matters which have concerned the Wars had with the Indian Enemy, &c. praying for such Allowance for his said Services, as to this Court shall seem meet. Read. And this Court taking the same into serious Consideration, and being very sensible of the many great and good Services done the Province for sundry Years past by the Memorialist; and that the same may not pass without due Observance; *Voted & Granted* to the said *Samuel Partrigg, Esq;* his Heirs and Assigns for ever, Five Hundred Acres of Land, in any part of the unappropriated Lands of this Province; Provided, That the same do not interfere with any former Grant of this Court; and that a Plat of the said Five Hundred Acres of Land be returned to this Court by a Surveyor, and Chain-Men under Oath, at their next Fall Session for Confirmation. Sent up for Concurrence.

### Post Meridiem.

A Muster Roll of a Scout in Guarding the Inhabitants of *Westfield.* An Accompt of Billetting sundry of Capt. *Nichols's* Men: And sundry Expresses in the Service of the Province in the County of *Hampshire;* and also from *Albany* and back; and sundry other Charges. Signed, *John Ashley.*

Read & Committed to the Committee for Muster-Rolls

A Muster-Roll of a Scout of Twelve Men under the Command of Serj. *Joseph Knowlton* of *Springfield,* being the *Brimfield* Scout. Certified by Col. *Partrigg,* and Vouched before him. Read & Committed to the Committee for Muster-Rolls.

A Petition of *William Cochrain,* shewing, That in *February* last, in the Service of this Province, in travelling from *Richmond* to *Arrowsick,* he Casually lost one of the Province Guns, which he must Pay for, without the Order of this Court to the Treasurer to discharge his Commander Capt. *Heath* from the said



Gun; the same being Certified by Capt. *Heath*; praying for Relief. Read, and *Ordered*, That Mr. Treasurer *Allen* be and hereby is directed to discharge Capt. *Joseph Heath* from Paying any thing for the said Gun, being Casually lost in the Service of this Province.

Sent up for Concurrence.

An Accompt of *Joseph Maylem* for sundry Expences, Diet, &c. on the Indian Interpreters, as well as the two Indian Delegates, from *Penobscut* in *August* last, amounting to *l. 10 19 s. 2 d.* Read & *Resolved*, That the Sum of *Ten Pounds nineteen shillings & two Pence*, be allowed and paid out of the Publick Treasury to the Accomptant *Joseph Maylem*, in full discharge thereof. Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Ten a.Clock. [ 28 ]

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**Sabbati Die 20. Nobembris, A. D. 1725.**

**A** Bill Entitled *An Act in addition to an Act or Law of this Province, Made in the Fourth Year of the Reign of the late King WILLIAM & Queen MARY, Entitled, An Act for Regulating of Townships, Choice of Town Officers, and setting forth their Power; and for Repealing one Clause contained in the said Act.*

Read a second Time.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of the Scout of Six Men at *Hadley*, under the Command of *Samuel Barnard*, Captain, and Vouched before Col. *Partrigg*, as entred the 16th. Which was Read & Accepted, and *Resolved*, That the Wages and Subsistence thereof be allowed and paid out of the Publick Treasury, according to said Report. Sent up for Concurrence.

On the Muster-Roll of the Company under the Command of Serj. *Thomas Newhall*, as entred the 17th: Which was Read and Accepted, and thereupon, *Resolved*, That the Wages and Subsistence thereof, be allowed and paid out of the Publick Treasury accordingly. Sent up for Concurrence.

On the Muster-Roll of the *Brimfield* Scout, under the Command of Serj. *Knowlton*, as entred Yesterday: Which was Read & Accepted, and *Resolved*, That the Wages and Subsistence thereof be allowed and paid out of the Publick Treasury accordingly.

Sent up for Concurrence.

On the Muster-Roll of Capt. *John Ashley*, and the other Accompts of Expresses, &c. as Entred Yesterday: Which was Read and Accepted, and *Resolved*, That the Wages due on said Roll, and also what is due on the said Accompts of Expresses, &c. be allowed and paid out of the Publick Treasury, agreable to said Report.

Sent up for Concurrence.

A Message from the Board by *John Wheelwright*, Esq; That the Board had something of Moment to send down presently, and therefore desire the House not to Rise.

An Accompt of *Bartholomew Green* and *Samuel Kneeland*, for Paper and Printing the Votes of the House, &c. the last Session, Seventeen Sheets and an half, amounting to *l. 26 5 s.* Read, and *Resolved*, That the Sum of *Twenty six Pounds five Shillings* be allowed and paid out of the Publick Treasury to the Accomptants *Bartholomew Green* and *Samuel Kneeland*, in full discharge thereof. Sent up for Concurrence.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Timothy Dwight*, above *Northfield*. Read and Committed to the Committee for Muster-Rolls.

A Petition of Mr. *Hugh Henry* of *Scarborough*, praying, That the Commencement of his Subsistence out of the Publick Stores, may be Accompted from the 17th of *June 1724*. for the Reasons therein given. Read & Dismiss'd.

Then the House Adjourn'd till Monday next Three a-Clock Afternoon.

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# V O T E S

## Of the House of Representatives.

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Lunæ Die 22. Novembris, A. D. 1725.

**A** Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Samuel Wheelwright* of *Wells*.

Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the several Company's or Scouts in His Majesty's Service at *Rutland, Worcester, Shewsbury, & Brookfield*, under the Command of Capt. *Samuel Wright*.

Read and Committed to the Committee for Muster Rolls.

*Symond Epes* Esq; brought down a Petition of *Solomon Barnabas*, Indian, shewing, That he contracted a Debt with *James Lovell*, of *Barnstable* jun. and that for the paying and discharging the said Debt, he Bound himself and his Wife for two Years, to the said *James Lovell* jun. but by reason thereof, he has suffered much injury and wrong from the said *Lovell*, praying, That this Court would grant him such Relief in the premises, as to them in their wonted Goodness and Justice shall seem meet, for the Reasons in the Petition enumerated. Pass'd in Council, viz. In Council Nov. 20th. 1725. Read and Ordered, That *James Lovell* be served with a Copy of this Petition, and that he be directed to Attend this Court with his Accompts and other Papers that concern the Affair mentioned in the Petition on *Tuesday* the 7th of *December* next; and that *John Russell* Esq; one of the Sheriffs of the County of *Barnstable*, be directed to send a Copy of the *Mittimus* herein referred to, and likewise a Declaration of the Keeper of the Goal (taken upon Oath before One of His Majesty's Justices of the Peace) respecting this Affair. Sent down for Concurrence. Read & Concur'd.

With the following Vote of Council, viz. In Council, *Novemb.* 20th. 1725. Ordered, That Mr. *Dudley*, Mr. *Oliver*, and Col. *Bourn*, with such as the Honourable House of Representatives shall Appoint, be a Committee to prepare the Draught of a Bill to prevent the Oppression of the Friend *Indians* within this Province, more especially in the County of *Barnstable*. Sent down for Concurrence.

Read and Concur'd, and Ordered, That Mr. *Bourn*, Mr. *Phillips*, Mr. *Bunker* and Capt. *Church*, be joyned in the Affair.

An Accompt of *Thomas Trott* amounting to *l. 6 13 s. 8 d.* being for Entertaining Thirty *Indians*, and Three *English* Men in *July* last, in the Service of this Province, the *Indians* being Volunteers. Read and Resolved, That the Sum of Six pounds thirteen shillings and eight pence, be Allowed and Paid

out of the Publick Treasury to the Accomptant *Thomas Trott*, in full discharge thereof; and that Mr. Treasurer be directed to stop so much out of the Subsistence of the Indian Volunteers, as their part or proportion of this Accompt Amounts to, the List of their Names being hereto annexed.

Sent up for Concurrence.

A Bill Entitled, *An Act for the Altering the Time for holding the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas, within the County of Barnstable.* Read a first Time.

A Bill Entitled, *An Act in Addition to the several Acts for the more safe keeping the Registry of Deeds and Conveyances of Lands.* Pass'd in Council, viz. In Council, *Novemb. 20th 1725.* Read Three Several Times and past to be Engross'd.

Sent down for Concurrence. Read a First Time. [ 30 ]

A Accompt of *Solomon Bacon* for his Service as *Chyrurgeon*, to the Forces Eastward, from *May 12th* to *Sept. 9th 1725* per. Order of the Honourable Lieutenant Governour, Seventeen Weeks and Two Days, at 40 s. per. Week, amounts to l 34 11 s. 5 d.

Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of the Honourable *William Dummer*, Esq; Lieutenant Governour, and Capt. of His Majesty's Castle *William*.

Read and Committed to the Committee for Muster-Rolls.

A Memorial of *Nathaniel Stanley*, and *Hezekiah Wyllys* of *Hartford*, shewing, That in *November*, at the desire of several Gentlemen, they took a Journey to *Boston*, to give Evidence at the Superiour Court then held, in order to Convict one *Peter Gardner*, of making and uttering Counterfeit Bills, who was then brought to Trial for that Crime; Praying, That they may be allowed the Sum of l. 7 17 s. over and above the Sum of *Twelve Pounds* they have already Received for their aforesaid Service, for the Reasons therein mentioned. Read and the Question was put, *Whether the prayer of the Memorial should be Granted?* It pass'd in the Negative.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

*Martis Die 23. Novembris, A. D. 1725.*

**M**R. *Lewis* from the Committee for Muster Rolls, Reported, On the Muster-Roll of the Company in His Majesty's Service under the Command of the Honourable *William Dummer*, Esq; Lieut. Governour and Capt. as Entred Yesterday, viz. The Committee having examined the same find it Right Cast & Vouched by the Oath of Lieut. *Larrabee*, but finding that *Ebenazar Emerson*



was Absent from his Duty for three Weeks, are of Opinion that 22 s. 6 d. be deducted from his Wages, and 53 s. 7 d. from *Stephen Bond*, Returned Run, both amounting to l. 3 16 s. 1 d. which being deducted, that the Remaining Sum amounting to l. 523 14 s. 4 d. be Allowed and Paid out of the Publick Treasury to the Officers and Soldiers Born on this Roll, in full Discharge thereof. Read and Accepted and *Resolved*, That the Sum of *Five Hundred twenty three pounds, fourteen shillings and four pence* be Allowed and Paid out of the Publick Treasury, to the Officers and Soldiers Born on this Roll, in full Discharge of the Wages thereof, agreeable to the above Report.

Sent up for Concurrence.

On the Muster-Roll of Capt. *Samuel Wheelwright*, as Entered the 22d. which was Read and Accepted, and thereupon *Resolved*, That the Wages thereof be Allowed and Paid out of the Publick Treasury, agreeable to the above Report.

Sent up for Concurrence.

A Petition of *Malitiah Mandsley* of *Dorchester*, shewing that her late Husband was one of those Men that were unfortunately Killed by the Indian Enemy at *Damaris Cove*, that her Husband dyed pretty much in Debt; and left her besides in very mean and low circumstances, that she has obtained the Recommendation of the Select-men of the Town of *Dorchester*, for granting her a Licence to Retail Strong Liquors out of Doors: whereby she may be enabled to pay her Husbands Debts; and also get an honest Livelyhood, and support for her self; praying, This Court would please to grant her such Relief in the Premises as to their Wisdom and Goodness shall seem meet. Read and *Ordered*, That it shall and may be lawful for the Justices of the Peace for the County of *Suffolk*, at their next General Sessions of the Peace, to grant a Licence to the Petitioner for selling and Retailing Strong Liquors out of Doors (if they see cause) the time by Law for granting Licences for this present Year being elapsed notwithstanding.

Sent up for Concurrence. [ 31 ]

A Petition of *John Mc Leland*, praying, That the House would please to Reconsider their Vote of the third Current, for Non concurring a Vote of Council on his Petition, as Entred that Day for the Reasons therein given. Read, and the House taking the same into Consideration,

*Ordered*, That Mr *Choate* go up to the Honourable Board to desire they would send down the Petition of *John Mc Leland*, & *Elizabeth* his Wife: Sent up the third Current.

*Samuel Thaxter* Esq; brought down the said Petition, The Vote of the Honourable Board, with the Vote of the House thereon being Read, The Question was put, *Whether the House would Reconsider their Vote?* Resolved in the Affirmative.

Then the Question was put, *Whether the House would Concur with the Vote of the Honourable Board on the said Petition?*

Resolved in the Affirmative.

Col. *Stoddard*, from the Committee for Petitions, Reported, On the Petition of Dr. *Henry Blaisdale*, as Entred the 18th. which was Read and Accepted, and thereupon *Voted*, That the Petition be Dismiss'd.

On the Petition of Capt. *Samuel Jorden*, for pay for the Loss of his Horse in the Service of the Province, praying as Entred the 16th. which was Read and not accepted, but the following Vote pass'd thereon, *viz. Resolved*, That the Sum of *Thirty Pounds*, be allowed and paid out of the Publick Treasury to the Petitioner Capt. *Samuel Jorden*, in Consideration of his Horse's being Lost in the Service of the Province: the Money to be Returned again into the Treasury if the Horse shall be afterwards found.

Sent up for Concurrence.

A Memorial of Capt. *Jeremiah Moulton*, praying, That he may be allowed to Charge and Receive Captains pay from the time of his making up his last Muster-Roll, for the Reasons therein given. Read and *Resolved*, That Captain's pay be allowed to the Memorialist, according to the prayer of his Petition.

Sent up for Concurrence.

A Bill Entituled, *An Act in Addition to An Act or Law of this Province, Made in the Fourth Year of the Reign of the late King William and Queen Mary, Entituled, An Act for Regulating of Townships, Choice of Town Officers, and Setting forth their Power, and for Repealing one Clause contained in the said Act.* Read a third Time, and *Resolved*, That the Bill pass to be Engrossed. Sent up for Concurrence.

An Accompt of Lieut. *John Larrabee*, for Victualing the Garrison at His Majesty's Castle *William*, from May 24th 1725. to the 21st. of November Current, Examined by Mr. Treasurer *Allen*. Read and Accepted and *Resolved*, That Mr. Treasurer *Allen*, be directed to pay to the Accomptant Lieut. *John Larrabee*, the Sum of *One Hundred and Sixty one Pounds, Twelve Shillings* out of the Publick Treasury, being the Ballance of this Accompt. And further to Enable the said *John Larrabee* to Victual the Garrison at His Majesty's Castle *William*, according to the last Establishment, It's *Resolved*, That Mr. Treasurer be and hereby is directed to pay and advance to Lieut. *John Larrabee*, the Sum of *Two Hundred Pounds* for Victualing the said Garrison, according to the said Establishment, taking Security from him for the true and faithful performance thereof. Sent up for Concurrence.

*Spencer Phipps* Esq; brought down the Report of the Committee appointed the 14th of June last, on the Petition of the Town of *Littleton*, and sundry

Inhabitants of *Chelmsford*, and *Concord*, Signed in the Name of the Committee, *Jonathan Dowse*. Pass'd in Council, viz. In Council Nov. 22, 1725. Read and Ordered, That this Report be so far accepted as it relates to the Inhabitants of *Concord*, formerly set to the Town of *Littleton*, and that the Six Families belonging to *Chelmsford* to be continued in the West Precinct in that Town. Sent down for Concurrence. Read and Concur'd. [ 32 ]

### Post Meridiem.

An Accompt of *Stephen Harding*, for Ferrage of Sundry Officers and Soldiers in the Service of this Province, over *Kennebunck* River, from *June* 1724. to *September* 1725.

Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Jeremiah Moulton*, from *November* 21. to *January* 28th. 1725.

Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Jeremiah Moulton*, from *May* 12th. to *November* 22. 1725.

Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Lieut. *Allason Brown*, of *Arundell*.

Read and Committed to the Committee for Muster-Rolls.

A Memorial of Dr. *William Davis*, and Dr. *Thomas Bulfinch*, praying, That the Vote on their Accompt for their Journey, Medicines, Administrations, &c. on Capt. *Seth Wyman*, may be Reconsidered, that so the whole of the said Accompt may be allowed them, for the Reasons therein mentioned. Read, and the Question was put, *Whether the prayer of the Memorial should be granted?*

It pass'd in the Negative.

A Petition of *Daniel Squire* and *Samuel Squire* of *Cambridge*, shewing, That one *Samuel Champney* of *Cambridge*, in the Year 1712. Conveyed a certain parcel of Land in *Cambridge* aforesaid, to the Petitioners in Fee as by Deed appears: That in the Year 1716. the Petitioners Mortgaged the Premises with other Lands to this Province, for Security of the payment of *l.* 200 with Interest, which Mortgage the Commissioners for the Province have since put in Suit; and the Petitioners, as by some is apprehended, cannot make Sale of the Premises to discharge the Debt to the Province, for that by Reason of a Paragraph in the Will of the said *Champneys* Father he could not pass the Fee thereof to the Petitioners, praying the Authority of this Court to Enable them to make Sale of the Mortgaged Premises to discharge the aforesaid Debt, which will also

be very beneficial to the Petitioners, as more particularly is set forth in the Petition. Read and Sent up.

*Whereas the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas for the County of Hampshire, is by Law Appointed to be held and kept at Northampton, in and for the said County of Hampshire, on the first Tuesday of December next, and several of the Justices of the said Court, &c. are Members of this Court:*

*Resolved*, That in Consideration of the present Sitting of the Great and General Court or Assembly of this Province, the said Court of General Sessions of the Peace, and Inferiour Court of Common Pleas, be and hereby are Adjourned to the First *Tuesday* of *January* next, being the fourth Day of the said Month; and the Justices of the said Courts, and all others concerned are to take Notice hereof, and to conform themselves hereunto accordingly: Any Law Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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**Mercurij Die 24. Novembris, A. D. 1725.**

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**A** Bill Entituled, *An Act for Altering the Time for Holding the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas within the County of Barnstable.* Read a Second Time. [ 33 ]

A Petition of *Joseph Cross*, a Soldier in the Service of this Province, shewing, That he was formerly in the particular Company under the Command of Col. *Johnson Harman*, and had due to him for his Service the Sum of *Thirty Pounds Eighteen Shillings*, which the said Col. *Harman* has Received without any order from him, and converted the same to his own use; praying, That he may be Relieved as to the Justice and Wisdom of this Court shall seem meet. Read, together with a Memorial of Col. *Harman*, that he may be heard touching several Complaints exhibited against him.

The said Col. *Harman* and *Joseph Cross*, were admitted into the House, and fully heard on the subject matter of the Petition, and then they withdrew: and the House taking the same into Serious Consideration;

*Resolved*, That the Sum of *Thirty pounds eighteen shillings* be stoped from the Wages of Col. *Johnson Harman*, on the next Muster-Roll which he shall present to this Court for payment, and that Mr. Treasurer be directed to pay the said Sum of *Thirty pounds eighteen shillings* to the said *Joseph Cross*, for the like Sum the said Col. *Johnson Harman* Received out of the Treasury, as Wages due to the said *Cross*.

Sent up for Concurrence.



*Inasmuch as Joseph Cross now a Soldier in His Majesty's Service at Fort George at Brunswick, Enlisted himself a Voluntier more than Three Years since.* Voted, That a Message be sent up to His Honour the Lieut. Governour, to desire His Honour would please to Dismiss the said *Joseph Cross* from the Service, which is agreable to the Law of this Province in that Case made and provided.

A Plan of Three Hundred Acres of Land Protracted and Surveyed by *Timothy Dwight* Surveyor, pursuant to a Vote of the Court at their Session in *November 1724.* on a Petition of *Henry Dwight* Esq; in Satisfaction of a Grant made to Capt. *John Shelden*, Anno 1707. was presented for Acceptance and Confirmation. Read and Accepted, and *Resolved*, That the Land protracted & described in the within Plat, be and hereby is confirmed to the said *Henry Dwight* Esq; his Heirs and Assigns, as he the said *Henry Dwight* is Assign of the said Capt. *John Shelden*, and in full Satisfaction of the Grant of Three Hundred Acres of Land made by this Court to the said *John Shelden*, Anno 1707. Sent up for Concurrence.

An Accompt of Dr. *William Davis*, amounting to *l. 6* for sundry Medicines, &c. Administred to several *Indians*, per. Order, &c.

Read and Committed to the Committee for Petitions.

### Post Meridiem.

Mr. *Lewis* from the Committee of Muster-Rolls, Reported, On the Muster-Roll of the Company in His Majesty's Service, under the Command of Capt. *Jeremiah Moulton*; which was Read and Accepted, and *Resolved*, That the Wages and Subsistence thereof be Allowed and Paid out of the Publick Treasury, according to the said Report.

Sent up for Concurrence.

On the other Muster-Roll of Capt. *Jeremiah Moulton*, as Entred Yesterday; Which was Read and Accepted, and *Resolved*, That the Wages be Allowed and Paid out of the Publick Treasury, in full discharge thereof, according to the said Report.

Sent up for Concurrence.

An Accompt of *Edward Watts*, Amounting to *22 s.* for Horse hire in the Service of this Province in *June* last. Read and *Resolved*, That the Sum of *Twenty-two Shillings* be Allowed and Paid out of the Publick Treasury, to the Accomptant *Edward Watts*, in full discharge thereof. Sent up for Concurrence. [ 34 ]

Mr. *Clark* from the Committee appointed to consider of the Petition of *William Lambert*, Comptroller of His Majesty's Customs in the Port of *Boston*,

as Entred the 10th. Currant, which was Read, and the House debated thereon, and the Question was put, *Whether the House would Accept the said Report?*

It pass'd in the Negative.

An Accompt of Dr. *Ebenezer Robie*, Amounting to *l 4 12 s. 6 d.* for Medicines, &c. for sundry Soldiers in the Service of this Province, by Order of Capt. *Samuel Wright*. Read and Committed to the Committee for Petitions.

*Thomas Palmer Esq;* brought down a Bill Entituled, *An Act to impower the Sheriffs, Constables and other Officers of Justice in the Neighbouring Provinces and Colonies, as well to pass and repass, as to convey such Persons or things as may be in their Custody, on the Service of any Written Warrant or other Process, by and thro' any of the Roads or Publick Wayes lying in or leading thro' any of the Towns or Lands of this Province.* Pass'd in Council, viz. In Council. Read Three several times and pass'd to be Engross'd. Sent down for Concurrence. Read a first time.

A Petition and Accompt of *Ebenezer Ayer* of *Haverhill*, amounting to *l. 8 9 s.* shewing, That in the Return from the Battle of *Pigwacket*, passing over *Winne-pissioacket* Pond, he had the Misfortune to overset his Canoe, & lost his Gun, Blanket, &c. as by the Account is set forth, praying, That the said Sum may be allowed him out of Publick Treasury for the Reasons therein mentioned.

Read and Committed to the Committee for Petitions.

A Petition of *Richard Humphreys* of *Marblehead*, Fisherman, Administrator to the Estate of his Mother, *Noami Everden* Deceas'd, late Wife of *George Everden*, late of *Milton* Yoeman, also Deceased, and Guardian to his Brethren and Sister, viz. *John Everden*, *William Everden*, and *Ruth Everden*, Minors under the Age of Twenty one Years, and Children of the said *Naomi Everden* deceased, shewing, That the said *Naomi Everden* Dyed seized in Fee of one fifth part in common and undivided, of a Wooden Dwelling House and Land in *Boston*, of the value of Thirty Pounds, or thereabouts, and the said *Naomi Everden* left Six Children, so that the same descends and belongs in Seven parts to be divided; that the said Dwelling House is very much out of repair and gone to decay, and is of no Benefit or Advantage to the Persons interested therein; and that one other of the Children and Heirs viz. *Walter Everden*, is also a Minor and lives at *Connecticut*, praying, That he may be allowed in his aforesaid Capacity to make Sale of the Right and Interest of his three Brethren, and Sister before named in their Minory in one fifth part of the Dwelling House and Land, for the most it will fetch, for the Reasons therein mentioned. Passd in Council, viz. In Council Nov. 23. 1725. Read and Ordered, That the prayer of this Petition be granted, provided, That the Petitioner give Security to the Judge of Probates for the County of *Suffolk*, for the Minors parts of the House and Land Refer'd to, as is proposed in the Petition.

Sent down for Concurrence.

Read and Concur'd.

A Muster Roll of the Company in His Majesty's Service under the Command of Capt. *William Canada*, from *Novemb. 1724.* to *Novemb. 1725.*

Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *William Canada*, from *July 15th* to *Octob. 28th. 1725.*

Read and Committed to the Committee for Muster-Rolls.

Then the House Adjourn'd till to Morrow Morning Ten a.Clock.

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B O S T O N : Printed by **B. Green** and **S. Kneeland**,  
Printers to the Honourable House of Representatives. 1 7 2 5 . [ 35 ]

# VOTES

## Of the House of Representatives.

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*Jobis Die 25. Novembris, A. D. 1725.*

**A**N Engross'd Bill, Entituled, *An Act for Apportioning and Assessing a Tax of Forty Eight Thousand seven hundred and Nineteen Pounds.*  
Read and *Resolved*, That the Bill pass to be Enacted.

In the House of Representatives, *Novemb. 25th. 1725.*

**P**Ursuant to the Directions in the Royal CHARTER, in that Cause or Paragraph Impowring the General Court to Impose & Levy proportionable and reasonable Assessments, Rates & Taxes: *Resolved*, That the Treasurer be & hereby is Impowred & Directed to Issue forth and Emit the Sum of *Thirty Thousand Pounds* in Bills of Credit on this Province, for the necessary Defence and Support of this Government, and the Protection and Preservation of the Inhabitants thereof; the said *Thirty Thousand Pounds* being already put into the hands of the Treasurer by the Committee appointed to make the same the last Session of this Court; to be issued and disposed of by Warrant, under the hand of the Lieut. Governour or Commander in Chief, for the time being, with the Advice and Consent of the Council: *Twenty nine thousand pounds* whereof shall be applied for the Uses, Intents and Purposes in this Resolve hereafter Expressed, *viz.* For the Payment of all Grants, Premiums and Stipends Established by Law, for the defreying and paying the Charges of Castle *William*, and the other Forts and Garrisons, Transports, Muster-Rolls of Soldiers and Sailors, Allowances, &c. and all other Accompts of Charges allowed and passed on for payment by this Court; and that the Sum of *One thousand pounds* being the Residue and Remaining part of the said Sum of *Thirty thousand pounds*, shall be applied for the Payment of Expresses dispatched in the Service of this Government in the Recess of this Court, together with all other necessary unforeseen Charges that demand prompt payment, which shall arise in the Recess of the Court aforesaid; provided always that the several Drafts made upon the Treasurer aforesaid express and declare out of which of the two several Sums aforementioned the Money is to be paid, and the said Bills shall pass out of the Treasury, at the Value therein expressed, equivalent to Money, and shall be so taken and accepted in all Publick payments.

*And* That the Duties of Impost and Excise, together with all other Publick Incomes, shall be a Fund and Security for the Annual Repayment and drawing in the said Bills into the Treasury again, so far as the same will reach.



*And* as a further Fund and Security for the same, *It is further Resolved*, That there be and hereby is granted unto His Most Excellent Majesty for the Ends and Uses aforesaid, and for no other ends and uses whatever, a Tax of *Ten Thousand Pounds*, to be Levied upon Polls and Estates, both Real and Personal within this Province, according to such Rules and in such proportion upon the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province, at their Session in *May, One Thousand Seven Hundred and Thirty One*, and paid into the Treasury on or before the last Day of *December* next after.

*And* That the further Sum of *Ten thousand pounds* be Levied upon Polls and Estates both Real and Personal, within this Province, according to such Rules and in such proportion upon the several Towns and Districts within the same, as shall be agreed on and [ 36 ] Ordered by the Great & General Court or Assembly of this Province, at their Session in *May, One Thousand Seven Hundred and Thirty Two*, and paid into the Treasury on or before the last Day of *December* next after.

*And* That the further Sum of *Ten thousand pounds*, being the Remainder of the aforesaid *Thirty thousand pounds*, be Levied upon Polls and Estates both Real and Personal, within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be agreed on and Ordered by the Great and General Court or Assembly of this Province, at their Session in *May, One Thousand Seven Hundred and Thirty Three*, and paid into the Publick Treasury on or before the last Day of *December* next after.

Sent up for Concurrence.

A Bill Entituled, *An Act for Altering the Time for Holding the Courts of General Sessions of the Peace, and Inferiour Court of Common Pleas within the County of Barnstable*. Read a third time, and *Resolved*, That the Bill pass to be Engrossed.

Sent up for Concurrence.

### Post Meridiem.

An Accompt of Col. *Chandler*, for sundry Services and Expresses in the Service of this Province, by Order, amounting to *l. 4 12 s.* Read and *Resolved*, That the Sum of *Four pounds twelve shillings*, be allowed and paid out of the Publick Treasury to *John Chandler Esq*; to be by him paid to the Persons to whom the same is due, in full discharge thereof. Sent up for Concurrence.

A Petition of the Westerly part of the First Parish in the Town of *Newbury*, praying, They may be Erected into a separte and distinct Precinct, and that a Divisional or Middle Line may be Setled between them and the said First

Parish, as Entred the 10th. Current. Read, together with the Answer of the said First Parish of *Newbury* thereto, and also a Second Petition of the Westerly part of the said First Parish: and the House having taken the same into Consideration: *Ordered*, That Mr. *Choate*, Capt. *Epes* and Capt. *Rogers*, with such as the Honourable Board shall appoint be a Committee to repair to the Town of *Newbury*, View the Scituation of the Petitioners, as well as the other parts of the First Parish in *Newbury*, especially where the Middle or Divisional Line proposed is to be made, and hear the Parties therein concerned, and make Report of their Opinion to this Court in their present Session (if it may be) where it may be proper to Run and Settle the Middle or Divisional Line proposed, in order to the Erecting the Lands Petitioned for into a Precinct: The Charge to be born by the Petitioners.

Sent up for Concurrence.

A Bill Entituled, *An Act for the Prevention of Inconveniences that may happen on the High Ways, by the Incumbrance of Wood, Timber, Stones, Fences, Barrs & Gates, and by the Narrowness of Carts.* Read a Third Time, and Committed to Capt. *Wilson*, Col. *Chandler*, Mr. *Daniel Peirce*, and Mr. *Ward*, to take the same into Consideration, and Report what Amendments may be proper to be made thereon.

A Bill Entituled, *An Act in Addition to the several Acts, for the more safe keeping the Registry of Deeds and Conveyances of Lands.* Read a second time.

A Petition of the Proprietors of the Common and undivided Lands in the Township of *Suffield*, praying, as Entred the 17th. of *June* last, and Referred to this Session.

Read and Committed to the Committee for Petitions.

A Petition of *Amos Turner* of *Scituate*, shewing, That at the Inferiour Court held at *Plymouth*, in and for the County of *Plymouth*, in *December* last, he brought an Action of Debt against *John Hyland* of *Scituate* aforesaid in said County of *Plymouth*, Yeoman, for Recovery of Forty Pounds Currant Lawful Money of *New-England*; at which Court the said *John Hyland* made default, but the Petitioner thro' Forgetfulness neglected to put in his [ 37 ] Bond on which his Action was brought, so that no Judgment could be made up, and perfected in said Action, and yet by Mistake an Appeal was Entred to the then next Superiour Court to be held for the Couuty of *Plymouth*; the Petitioner at the Inferiour Court held at *Plymouth* in *March* last, presented his Bond and pray'd that Judgment might be made up, which was accordingly done for the just Debt and Damage, but he cannot prevail on the Clerk of the said Court to give him an Execution therefor, neither will the said *Hyland* pay One Penny thereof, so that he is without Remedy; praying for such Relief in the Premises as to the Wisdom of this Court shall seem most just and reason-

able; brought down by *John Cushing* Esq; Pass'd in Council, viz. In Council, *Novemb. 23d. 1725.* In Answer to the Petition of *Amos Turner*, Ordered, That *John Hyland* the Adverse party have full Liberty and Power to bring forward an Appeal to the next Superiour Court to be holden at *Plymouth*, from a Judgment of the Inferiour Court of Common Pleas begun at *Plymouth* in *December*, and perfected in *March* last, at the Suit of the said *Amos Turner*; and in Case the said *Hyland* neglects or refuses to bring forward his said Appeal, then the said *Turner* have power to file his Complaint against the said *Hyland*, according to the Direction of the Law; Provided the Petitioner Notifie the said *Hyland* by leaving a Copy of this Order Thirty Days at least before the Sitting of the said Superiour Court; and the Justices of the said Court are hereby directed and impowred to hear and determine, as well the Appeal of the said *Hyland*, and to Chancer the Bond Sued on to the just Debt and Damage, in Case an Appeal be brought on according to Law, as the Complaint of the said *Amos Turner*, in Case of Non-prosecution, and award Execution accordingly.

Sent down for Concurrence. Read and Concur'd.

Then the House Adjourn'd till to Morrow Morning Ten a.Clock.

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**Ueneris Die 26. Novembris, A. D. 1725.**

**M**R. *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of Capt. *Samuel Wright* of *Rutland*, as Entred the 22 d. Which was Read and Accepted, and *Resolved*, That the Wages and Subsistence thereof be Allowed and Paid out of the Publick Treasury, according to the said Report.

Sent up for Concurrence.

On the Muster-Roll of the *Worcester* Scout, Commanded by *Moses Rice*, as Entred the 22 d. Which was Read and Accepted, and *Resolved*, That the Wages and Subsistence thereof be Allowed and Paid out of the Publick Treasury accordingly

Sent up for Concurrence.

On the Muster-Roll of the *Brookfield* and *Shrewsbury* Scouts, as entred the 22 d Currant, Commanded by *Eleazer Warner*, and *Solomon Johnson*; Which was Read and Accepted, and *Resolved*, That the Wages and Subsistence thereof be Allowed and Paid out of the Publick Treasury accordingly. Sent up for Concurrence.

On the Muster-Rull of the Company of Capt. *Samuel Wright*, Ensign, at *Shrewsbury*, from *June 10th* to *November 18th. 1725.* Which was Read and Accepted, and *Resolved*, That the Wages thereof be Allowed and Paid out of the Publick Treasury according to the said Report. Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service under the Command of Lieut. *Allason Browne* of *Arundell*, as Entred the 23 d. Which was Read & Accepted, and *Resolved*, That the Wages thereof be Allowed and Paid out of the Publick Treasury according to the said Report. Sent up for Concurrence.

On the Muster Roll of the Company in His Majesty's Service under the Command of Capt. *Timothy Dwight*, as Entred the 20th. Which was Read and Accepted, and *Resolved*, That the Wages thereof be Allowed and Paid out of the Publick Treasury, agreeable to the said Report. Sent up for Concurrence. [ 38 ]

A Journal of the proceedings of Capt. *James Grant* and Company, in the Service of the Province. Read.

Three Muster-Rolls of the Company in His Majesty's Service under the Command of Capt. *James Grant*. Read and Committed to the Committee for Muster-Rolls.

A Petition of *Samuel Stockbridge* of *Scituate*, praying, That he may be Allowed to Receive the Sum of *l. 4 3 s. 6 d. half penny* out of the Publick Treasury, for one half of what was due to his Servant *Titus Moses*, late a Soldier Slain in the Service of the Province, notwithstanding the Officer in making up the Muster-Roll, has charged the whole of the said *Titus Moses* Wages as taken up of the Commissary.

Read and Committed to the Committee for Petitions.

A Petition of *David Freeman* of *Attleborough* shewing, That in pursuit of one *Elias Bartlet* (who as the Petitioner suggests deserted His Majesty's Service) in the Year 1722, he Expended in his Time and Money to the value of *l. 9 8 s.* or thereabouts, praying, that the said Sum may be allowed him out of the Publick Treasury for the Reasons therein mentioned. Read, and the Question was put, *Whether the prayer of the Petition shall be granted?* It pass'd in the Negative Unanimously.

An Accompt Signed *Richard Bourn*, for going Express from *Casco Bay* to *Boston*, Expence and Horse hire in *July* last, amounting to *l. 3* Read, And the Question was put, *Whether the Accompt shall be Allowed and Paid out of the Publick Treasury?*

It pass'd Unanimously in the Negative.

*Paul Dudley* Esq; brought down the Report of *Samuel Thaxter* Esq; appointed by this Court at their Session in *May* 1723. to run and Mark out the Old Colony Line, from *Accord Pond*, to the heap of Stones and Stakes, standing or being near the Road that leads from *Brantrey*, to *Bridgewater*. Pass'd in Council, *viz.* In Council *Novemb. 26. 1725.* Read and Ordered, That this Report be accepted.

Sent down for Concurrence.

Read and Concurr'd.



**Post Meridiem.**

A Bill Entituled, *An Act in Addition to the several Acts, for the more safe keeping the Registry of Deeds, and Conveyances of Lands.* Read a third time, and Voted a Concurrence with the Board.

Mr. Lewis from the Committee for Muster-Rolls, Reported, On the Accompt of *Stephen Harding*, for Ferrage as Entered the 23<sup>d</sup>. which was Read and Accepted, and thereupon Voted, That the Accompt be Dismiss'd.

A Bill Entituled, *An Act to Impower the Sherriffs, Constables and other Officers of Justice in the Neighbouring Povinces, and Colonies as well to pass and repass, as to convey such Persons or things as may be in their Custody, on the Service of any Writ, Warrant, or other Process by or through any of the Roads or Publick Ways lying in or leading through any of the Towns or Lands of this Province.* Read a second time, And Committed to Mr. Lindal, Mr. Wainwright, and Mr. Shove, to consider of the said Bill and make Report of what Amendments or Additions they may be of opinion may be proper to be made thereon.

Then the House Adjourn'd till to Morrow Morning Ten a.Clock.

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**Sabbati Die 27. Novembris, A. D. 1725.**

MR. Lewis from the Committee for Muster-Rolls, Reported, On the Accompt of *Solomon Bacon*, as Entred the 22<sup>d</sup>. the Committee have made inquiry concerning the Service of *Solomon Bacon*, as Chyrurgeon, for which he charges the Province *l. 34 11 s. 5 d.* as by the above Accompt, cannot find that he was sent Eastward to the Forces as a Chyrurgeon, or there employed as such for the time charged in the Accompt, or by Order of any Commanding Officer there, but that he is Allowed more than Nine Pounds on Capt. *Bourns* Roll, as a Lieutenant for nine Weeks and one Day, of the same time charged in the Accompt, are of Opinion that this Account be Dismiss'd. Read and Accepted, and Resolved that the Accompt be Dismiss'd. [ 39 ]

On the Petition and Accompt of *Isaac Barker*, The Committee have made inquiry concerning the charge occasioned by *David Job* an *Indian*, born on *Canady's* Roll as a Soldier, and there being *l. 4 8 s. 7 d.* due for his Service, are of Opinion, That the Wages due on said Roll, viz. *l. 4 8 s. 7 d.* be Allowed and Paid out of the Publick Treasury to the said *Isaac Barker*, jun. in full discharge of the above Accompt. Read and Accepted and Resolved, That the Sum of *Four pounds eight shillings and seven pence* be Allowed and Paid out of the Publick Treasury to *Isaac Barker*, jun. for so much due to the said *David Job*, *Indian*, for Wages on Capt. *William Canady's* Muster-Roll. Sent up for Concurrence.

On the Muster-Roll of Capt. *William Canady*, from *July 15th.* to *November 22. 1725.* Which was Read and Accepted, and *Resolved*, That the Wages thereof be Allowed and Paid out of the Publick Treasury, agreeable to the said Report.

Sent up for Concurrence.

*John Cushing* Esq; brought down the Petition of *Eleazar Ring*, *Joseph Holmes*, *Gershom Bradford* and *Joseph Mitchel*, Agents for and in behalf of the North Precinct in *Plymouth*, praying, That they may be Erected into a Township, &c. as Entred the 18th. of *June* last, and referred to this Session. Pass'd in Council, *viz.* In Council, *Novemb. 26, 1725.* Read again, together with the several Answers, and the same being duly considered, Ordered, That *John Cushing* and *Samuel Thaxter*, Esqrs; with such as shall be appointed by the Honourable House of Representatives be a Committee to Repair to the North Precinct in *Plymouth*, and View the same, and hear the several parties on the Matter of this Petition, and Report at the next *May* Session of this Court what they judge proper for this Court to do thereon: The Charge to be born by the Petitioners. Sent down for Concurrence. Read and Concurr'd. And Ordered, That Major *Quincy*, Mr. *Bourn* and Mr. *Edward White*, be joyned in the Affair.

A Petition of *Caleb Loring*, and *Isaac Cushman*, jun. Agents for and in behalf of the Freeholders of and Proprietors within the Town of *Plympton*, shewing, That they were joynt Proprietors with the Chief Part of the Inhabitants of the Town of *Plymouth* in all the Common Lands in both Towns; And at a Town Meeting held at *Plymouth*, *March 16th, 1701, 2.* the said Proprietors Voted a certain Tract of Land, a Mile and half from the Water side into the Woods, to lye a Common for the Towns use; notwithstanding which the Town of *Plymouth*, not long since made Sale of the aforesaid Tract of Land (without Notifying the abovesaid Proprietors of the Sale) for the Sum of *Six hundred Pounds*; praying this Court would please to take the Premises into Consideration, and Order that they may have their Proportionable part of the said Money for the Supporting a Grammar School in the Town pf *Plympton*, for the Reasons therein meationed. Read and Ordered, That *John Cushing*, *Samuel Thaxter*, *John Quincy* and *Ezra Bourn* Esqrs; and Mr. *Edward White* be a Committee to repair to the Town of *Plympton*, and give Notice of their going thither to the Parties herein concerned, and that they fully hear them on the Matter of this Petition, and Report at the next *May* Session of this Court, what they shall judge proper for the Court to act thereon: The Charge to be born by the Petitioners. Sent up for Concurrence.

*Penn Townsend* Esq; brought down the Petition of *Samuel Partrigg*, Esq; with the Vote of the House thereon, as Entred the 19th. Pass'd in Council, *viz.* In Council *Novemb. 26. 1725.* Read and Concurr'd with the Amendments, *viz. Dele*, Unappropriated — & between the words — this Prov-

ince — & — Provided that — *add* — lying within the County of *Hampshire*, to be in one entire Tract.

Sent down for Concurrence. Read and Concur'd.

A Muster-Roll of the Sloop *Merry Meeting*, *Thomas Sanders* Master, being a Transport in His Majesty's Service *Eastward*.

Read, and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Lieut. *Timothy Childs* of *Deerfield*, with an Accompt of his Disbursments, &c.

Read, and Committed to the Committee for Muster-Rolls. [ 40 ]

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Joshua Moody*.

Read, and Committed to the Committee for Muster Rolls.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *John Grey*.

Read, and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company under the Command of Capt. *Joseph Kellogg* of *Suffield*, with an Accompt of Expences, and a Doctors Bill.

Read, and Committed to the Committee for Muster-Rolls.

A Petition of *John Usher* Esq; setting forth, That in the Service of this Province, he Advanced several Sums of Money on the Credit of the Taxes, under the Administration of Sir *Edmund Andros's* Government, which he hath not as yet been Reimbursed, as he saith, that he hath formerly applied himself to this Court, and laid his Accompts before them for Examination, which have not as yet been allowed by them; although a Committee that was appointed to Examine the same did Report a Considerable Sum in his Favour, and being streightned in his Circumstances, to enable him to pay his Debts and support his Family, he borrowed & took up of the Trustees of the *l. 50,000* Loan, the Sum of *l. 500* for which he Mortgaged his Lands; that the said Trustees have lately Sued out his Mortgage, and have entred on an dispossessed him of his Freehold; and that to compleat his Ruin, one other Person to whom he Sold one Acre of Land (included in the aforesaid Mortgage) being Ousted of the same by the said Trustees, has Recovered Judgment against him for *l. 1100*, so that he is Reduced to the lowest Circumstances; Intreating the Justice and Clemency of this Court, that they would afford for his Family such Relief in the Premises, as in their Great Wisdom and Goodness shall seem meet, for the many Reasons and Sollicitations therein mentioned: brought down by *Nathaniel Byfield*, *John Clarke*, and *Paul Dudley* Esqrs; Pass'd in Council, *viz.* In Council Nov. 24. 1725. Read and sent down earnestly Recommended, Read, and the House taking the same into their Serious Consideration, *Resolved*, That upon the Petitioners Releasing this Province from any Demand that may be made

by him, or his Heirs hereafter, that the Trustees of the *l.* 50,000 Loan, be and hereby are Authorized, Directed and Impowred to Cancell the Mortgage made to them, for the use of the Province by the Petitioner, for Security of the payment of *l.* 500 with Interest, and that the said Mortgage & the Judgment of Court founded thereon shall thereupon be declared Null and Void, to all Intents and Purposes, and that the said Trustees for letting out the said Loan be desired and directed to make Livery of Sizin of the above mentioned Mortgaged Premises to the Petitioner accordingly.

Sent up for Concurrence.

Col. *Stoddard* from the Committee for Petitions, Reported, On the Petition of *Ebenezer Ayer* of *Haverhill*, as Entred the 24th. Which was Read and Accepted, and *Resolved*, That the Sum of *Seven Pounds* be Allowed and Paid out of the Publick Treasury to Mr. *John Sanders*, for the use of *Ebenezer Ayer* the Accomptant, in full discharge thereof. Sent up for Concurrence.

On the Accompt of Dr. *William Davis*, as Entred the 24th. Which was Read and Accepted, and thereupon *Resolved*, That the Sum of *Six Pounds* be Allowed and Paid out of the Publick Treasury to Dr. *William Davis*, in full discharge of said Accompt.

Sent up for Concurrence.

Then the House Adjourn'd till Monday next Three a-Clock Afternoon.



# VOTES

## Of the House of Representatives.

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Lunæ Die 29. Novembris, A. D. 1725.

A Petition of *James Smith* and *Nathaniel Chapman*, Soldiers in the Service of this Province, shewing, That they were late under the Command of Lieut. *John Lane*, and were by him compelled to draw upon the Treasurer to pay their Wages to the said Lieut. *Lane*, for that he threatned them if they would not make their Wages payable to him, he would send them to *Georges*, that the said *Lane* by virtue of their order aforesaid, Received the Wages due to them, and then defrauded them of the whole thereof by converting the same to his own use, praying, the Consideration of this Court for such Relief in the Premises as to their Wisdom and Justice shall seem meet. Read and Committed to Mr. *Thomas Cushing*, Mr. *Shove*, and Mr. *Dwight*, to take the same into Consideration, and Report what they may be of opinion may be proper for the Court to pass thereon.

A Petition of *Nathaniel Dickinson* of *Hatfield*, shewing, That on the last Day of *February* 1703, 4. on the Enemies attacking the Town of *Deerfield*, he was one among Others that Voluntarily Marched to their Relief, and in the Action was Wounded by a Ball that past through his Arm, and applying to a Doctor he had it healed up, but lately it grew very painful and swelled to such a degree that it seemed his Life was hazardous, so that it was laid open by Launch, and was healed up again, and the Doctor demands for his time, and cost of cure this Time, *l. 3*, Praying, that he may have the price of his Cure allowed him, and such allowances for past lost time, and a *Pension* for the future as to the Court shall seem meet.

Read and Committed to the Committee for Petitions.

A Petition of *Isaac Farrar* of *Ashford*, shewing, that his Son *John Farrar* was in His Majesty's Service under the Command of Capt. *Timothy Dwight*, and was Captivated by the Indian Enemy, that he had due to him for Wages *l. 3 12s. 10d.* and his Gun and other things then lost, was of the Value of *l. 3. 5 s.* praying, That the same may be allowed for the Reasons given.

Read and Committed to the Committee for Petitions.

An Accompt of *Timothy Dwight*, for sundry Expences and Disbursments, &c. at Fort *Dummer*. Read and Committed to the Committee for Petitions.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

*Martis Die 30. Nobembris, A. D. 1725.*

**A**N Engross'd Bill, Entituled, *An Act in Addition to the several Acts for the more safe keeping the Registry of Deeds, and Conveyances of Lands.* Read & Resolved, That the Bill pass to be Enacted.

An Engross'd Bill, Entituled, *An Act for Altering the Time for Holding the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas within the County of Barnstable.* Read, and Resolved, That the Bill pass to be Enacted. [ 42 ]

Mr. *Lewis* from the Committee for Muster-Rolls, Reported,

On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *John Grey*, as Entred the 27th. Which was Read and Accepted, and Resolved, That the Wages thereof be Allowed and Paid out of the Publick Treasury, according to the said Report. Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Joshua Moody*, as Entred the 27th. Which was Read and Accepted, and Resolved, That the Wages thereof be Allowed and Paid out of the Publick Treasury, agreeable to the said Report. Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service under Lieut. *Timothy Childs*, as Entred the 27th. Which was Read and Accepted, and Resolved, That the Wages and Subsistence be Allowed and Paid out of the Publick Treasury accordingly.

Sent up for Concurrence.

On the Accompt of the Disbursements of Lieut. *Timothy Childs*, as Entred the 27th. Which was Read and Accepted, and Resolved, That the Sum thereof be Allowed and Paid out of the Publick Treasury accordingly. Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *James Grant*, No. 1. Which was Read and Accepted, and Resolved, That the Wages and Subsistence thereof be Allowed and Paid out of the Publick Treasury agreeable to the said Report. Sent up for Concurrence.

On the Muster-Roll of Capt. *James Grant*, No. 2. Which was Read and Accepted, and Resolved, That the Wages and Subsistence thereof be Allowed and Paid out of the Publick Treasury accordingly. Sent up for Concurrence.

On the Muster-Roll of Capt. *James Grant*, No. 3. Which was Read and Accepted, and Resolved, That the Wages and Subsistence thereof be Allowed and Paid out of the Publick Treasury, agreeable thereto. Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Joseph Kellogg*, as Entred the 27th. Which was Read and

Accepted, and *Resolved*, That the Wages and Subsistence thereof be Allowed and Paid out of the Publick Treasury, agreeable to the said Report. Sent up for Concurrence.

On the Accompt of Posts and Horse hire of Capt. *Joseph Kellogg*, The Committee having Examined them, &c. Which was Read and Accepted, and *Resolved*, That the Sum of *Twenty-eight shillings and six pence* be Allowed and Paid out of the Publick Treasury to Capt. *Thomas Wells*, to be by him delivered to Capt. *Joseph Kellogg*, and by him paid to the several Persons to whom the same is due, in full discharge thereof.

Sent up for Concurrence.

*Melataiah Bourn* Esq; brought down the Petition of *Ebenezer Holmes*, *Samuel Ellis*, and others, Inhabitants of the Southermost part of the Town of *Plymouth*, with the Vote of the House thereon, as Entred the 10th. Current, together with the Answer of the Town of *Plymouth* thereto. Pass'd in Council, viz. In Council Nov. 25 1725. Voted, That the Consideration of this Petition be deferred to the next *May* Session, when the Report is to be made by the Committee on the Petition of the North part of *Plymouth*.

Sent down for Concurrence. Read and Concurr'd.

An Accompt of Doctor *Ebenezer Allen*, Chyrurgeon to the Forces Eastward, from *May* 23. to *November* 22. 26 Weeks & 2 Days, at *l. 8 per. Month*, Examined by Mr. Treasurer. Read, and *Resolved*, That the Sum of *Fifty two pounds eleven shillings and five pence*, be allowed and paid out of the Publick Treasury to Doctor *Ebenezer Allen*, in full discharge thereof. Sent up for Concurrence.

An Accompt of *Robert Forrester*, amounting to *l. 12 17 s. 2 d.* being for sundry Repairs to the Province House, Outhousen, &c. Certified by Mr. Sheriff *Winslow*, Read, and *Resolved*, That the Sum of *Twelve pounds seventeen shillings and two pence*, be allowed and paid out of the Publick Treasury to the Accomptant *Robert Forrester*, in full discharge thereof. Sent up for Concurrence.

[ 43 ]

Mr. Secretary *Willard*, brought down a Petition of *David Freeman*, praying he may be allowed the Sum of *Nine Pounds*, for his time, trouble and expence in going after one *Elias Bartlet*, who as the Petitioner suggests, Deserted the Service in the Year 1722. being Certified by Mr. Secretary. Pass'd in Council, viz. In Council *Novemb.* 26. 1725. Read, and sent down Recommended. Read, and the Question was put, *Whether the prayer of the Petition shall be granted?* It pass'd in the Negative.

A Memorial of *John Ashley* Esq; of *Westfield*, Administrator to the Estate and one of the Heirs of Capt. *John Pyncheon* late of *Springfield* Deceased, setting forth that this Court were pleased at their Session in *May* 1723. to order Five Hundred Acres of Land to be laid out to the Heirs of the said Capt. *John*

*Pynchon* Deceased, and a Plat thereof to be Returned to the Court within Twelve Months for Confirmation; but by Reason of the Indian War the said Land has not been Surveyed, and so a Plat thereof not Returned, the said order being to satisfie a Grant of this Court made to the said Capt. *John Pynchon*, in *May* 1666. Read, and in Answer to this Petition, *Ordered*, That the Petitioner have leave to Survey Five Hundred Acres of the Unappropriated Lands of this Province, by a Surveyor and Chain-men under Oath, and to Return a Plat thereof to this Court within Twelve Months for Confirmation, to the Heirs of the said *John Pynchon* Deceas'd, which is in Lieu and Satisfaction of the Grant of this Court made to the said Capt. *John Pynchon*, late of *Springfield* in *May*, Anno 1666.

Sent up for Concurrence.

### Post Meridiem.

A Muster-Roll of the Company in His Majesty's Service under the Command of Lieut. Col. *Johnson Harman*, Capt.

Read and Committed to the Committee for Muster-Rolls.

An Accompt of Col. *Harman*, amounting to *l. 23 6 s. 3 d.* being for sundry Oars for Whale-Boats, and the Hire of his Sloop in the Service of the Province Eastward.

Read and Committed to the Committee for Muster-Rolls.

An Accompt of Capt. *Benjamin Stevens*, of *Andover*, amounting to *21 s.* being for a Man, Horse and Expence, in sending one *Jacob Scoggin*, an *Indian* Man from *Andover* to *Boston*, who was taken up in the Woods, and supposed to be a Deserter.

Read and *Resolved*, That the Sum of *Twenty one shillings*, be allowed and paid out of the Publick Treasury to the Accomptant Capt. *Benjamin Stevens*, in full discharge thereof. Sent down for Concurrence.

A Petition of *Jonathan Waldo* and his Wife, *Benjamin Mason* and others, shewing, That one *Ralph Mason*, *April* 20. 1661. was siezed in his Demesne as of Fee, of a Lot of Land in *Boston*, and by his Deed of that Date gave the said Land, *viz.* the Front part of it to take immediatly, and the Rear part after the Decease of the said *Ralph* and *Anne* his Wife, to his Son *Richard Mason*, and *Sarah* his Wife, in special Tail, the Remainder to the said *Richard* and his Heirs for ever in Fee Simple, that the especial Tail is spent, and the Remainder in Fee Simple is Reversed to the Heirs of the said *Richard*, to the Number of about Twenty two; whereof some that are least Interested are Minors, and incapable of making any Division of the Premises; praying, The Authority of this Court, That they would Appoint some Person to Sell the same, the Money to be Distributed among the said Heirs, or that the Judge of Probates may be



Enabled to grant Administration and Settle the same on some one of them, he paying the rest their Proportion, of the Value according to the Law for Intestate Estates. Pass'd in Council, *viz.* In Council *November 26 1725.* Read and Ordered, That the prayer of the Petition be so far Granted that the Judge of Probates of Wills for the County of *Suffolk*, be and hereby is directed and impowred to Appoint an Administrator to sell the Land mentioned in the Petition, and to distribute the proceeds thereof to and among the Persons Interested according to the Direction of the Law.

Sent down for Concurrence. Read and Concurr'd. [ 44 ]

*Melatihah Bourn* Esq; brought down the Petition and Accompt of *Isaac Barker*, for his Charges on *David Job* an *Indian*, with the Vote of the House thereon, as Entred the *27th.* and a Message that the Board were of Opinion, That the Wages of the said *David Job*, should be applied for the Support of his Wife and Family, and therefore the Board has Reconsidered their Vote, for Concurring with the Vote of the House, and desired the House would also Reconsider their Vote on the said Petition, and Accompt for the Reasons aforesaid. Read, and the House having taken the same into Consideration, and some Debate being had thereon, the Question was put, *Whether the House would Reconsider their Vote aforesaid?* Resolved in the Affirmative. And further *Resolved*, That the Wages due to the said *David Job*, *Indian*, on Capt. *Canady's* Roll, being *l. 4 8 s. 7 d.* be allowed and paid out of the Publick Treasury to *Melatihah Bourn* Esq; to be by him paid for the Use and Support of the said *David Job's* Wife and Family, as they may stand in need thereof.

Sent up for Concurrence.

*Resolved*, That the Sum of *Four pounds eight shillings and seven pence*, be allowed and paid out of the Publick Treasury to *Isaac Barker* jun. in full discharge of what he Expended and disbursed on *David Job*, *Indian*, during his last Illness, as well as at his Funeral, he Dying in the Service of the Province.

Sent up for Concurrence.

A Petition of *Samuel Spear*, *Hezekiah Doane* and *Ezekiel Cushing*, Agents for the Precinct of *Cape Cod*, praying, That the Province Lands there which were by this Court made into a Precinct *Anno, 1714.* and Subjected to the Constablewrick of *Truro*, may be Erected into a Township, for the Reasons therein mentioned.

Read and Referred to the next *May* Session for further Consideration.

A Petition of Capt. *Samuel Wright*, of *Rutland*, praying, That he may be allowed the Sum of *l. 17 7 s. 2 d.* for so much deducted from his Wages on his Roll presented to the Court in their present Session, for the Reasons therein given. Read, and the Question was put, *Whether the prayer of the Petition shall be granted?*

It pass'd in the Negative.

An Accompt of *Edmund Mountfort*, for delivering Slops, &c. to the Forces Eastward to the 22 of *November*, at *l. 7 per. Month*, amounting to *l. 43 15 s.* Certified by *Mr. Treasurer Allen*. Read and *Resolved*, That the Sum of *Forty three pounds fifteen shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Edmund Mountfort* in full discharge thereof. Sent up for Concurrence.

An Accompt of *Lieut. John Larrabee*, for Enlisting Men into His Majesty's Service at the Garrison at *Castle William*.

Read, and Committed to the Committee for Muster-Rolls.

An Accompt of *William Young*, amounting to *l. 5 15 s. 2 d.* being for Mending and Cleaning the Glass Windows at the Province House, and Scouring it, Certified by *Mr. Sheriff Winslow*. Read and *Resolved*, That the Sum of *Four pounds one shilling and three pence* be allowed and paid out of the Publick Treasury to the Accomptant *William Young*, in full discharge thereof: The Article of *34 s. 2d.* for Scouring of Glass is not allowed as being an improper Charge to the Province.

Sent up for Concurrence.

A Petition and Accompt of *Richard Kent Esq;* amounting to *l. 7 4 s.* praying, This Court would give Order for his Receiving said Sum, so much arising by his being Employed by this Court in their last Session, to go to the Town of *Haverhill*, and Moderate at their Town Meeting, and his Journey to *Boston*, to wait on the Court, &c.

Read and Committed to the Committee for Petitions.

Then the House Adjourn'd till to Morrow Morning Ten a.Clock. [ 45 ]

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**Mercurij Die 1. Decembris, A. D. 1725.**

**C**OL. *Stoddard*, from the Committee for Petitions, Reported, On the Accompt of *Dr. Ebenezer Robie*, as Entred the 24th. ult, Which was Read and Accepted, and *Resolved*, That the Sum of *Four Pounds* be Allowed and Paid out of the Publick Treasury to the Accomptant *Dr. Ebenezer Robie*, in full discharge of the said Accompt.

Sent up for Concurrence.

*Daniel Oliver Esq;* brought down the Petition of *Daniel Squire* and *Samuel Squire* of *Cambridge*, praying, as Entred the 23d. ult. and sent up. Pass'd in Council, viz. In Council, *Novemb. 30th. 1725.* Read and *Ordered*, That the Petitioners serve *Samuel Champney* with a Copy of this Petition, and that he give in his Answer thereto on Friday next, if he see cause. Sent down for Concurrence.

Read and Concur'd.

On the Petition of *Joseph Peter* and *Bethiah Peter* his Wife, Indians, living at *Middleborough*, as Entred the 8th of *Novemb.* Which was Read and Accepted, and *Voted*, That for the Enabling *Joseph Peter* and *Bethiah Peter* his Wife to satisfie and pay their just Debts, and comfortably to Subsist in their Old Age, there be Liberty given to any of His Majesty's Subjects to Purchase the said *Joseph Peter* and *Bethiah's* Right to the within mentioned Twenty Acres of Land; Provided such Purchaser shall pay unto Capt. *Jacob Thompson* and Mr. *Samuel Leonard*, so much as they shall judge to be the true Value of said Land; and that the said *Thompson* and *Leonard* be desired and impowred to apply part of the Consideration for the discharge of such Debts as are justly due from the said *Joseph Peter* and *Bethiah*, the remaining part to be laid out for their Relief and Comfort, as their Necessities shall require.

Sent up for Concurrence.

On the Petition of *Samuel Stockbridge* of *Scituate*, as Entred the 26th. Which was Read and Accepted, and *Resolved*, That the Sum of *Four pounds three shillings and six pence half penny*, be Allowed and Paid out of the Publick Treasury to the said *Samuel Stockbridge*, that being the half of the Wages due for the Service of *Titus Moses* his Servant, and that the like Sum be stopped from the Wages of Col. *Westbrook*, in his next Roll to be passed by the Court, he having contrary to Law deducted the whole of *Titus Moses*, his Wages being *l. 8 7 s. 1 d.* in a Muster-Roll made up to *November 1724.* Altho' said *Moses* was returned to him a Servant to said *Stockbridge*.

Sent up for Concurrence.

A Bill Entitled, *An Act to impower the Sheriffs, Constables, and other Officers of Justice in the Neighbouring Provinces and Colonies, as well to pass and repass, as to convey such Persons or Things as may be in their Custody on the Service of any Writ, Warrant or other Process, by and thro' any of the Roads or Publick Ways lying in or leading thro' any of the Towns or Lands of this Province.*

Read a Third Time, and *Voted* a Concurrence with the Amendment.

Sent up for Concurrence.

A Bill Entitled, *An Act for Encouraging the Raising of Hemp within this Province.*

Read a first Time.

*Daniel Oliver* Esq; brought down the Petition of the Inhabitants of the Town of *Sudbury*, on the Westerly side of the River called *Elizabeth River*, praying, as Entred the 13th. ult. Pass'd in Council, viz. In Council, *Novemb. 30th. 1725.* Read again, together with the Answer of the Agents for the Town of *Sudbury*, and the same being fully considered, *Ordered*, That this Petition be dismiss'd.

Sent down for Concurrence.

Read and Concur'd. [ 46 ]

An Accompt of Capt. *Thomas Smith* for his Expences, and Services in his Voyage from *Boston* to *St. Georges*, and back again, by Order, in treating with the Indian Delegates. Read, and Committed to the Committee for Petitions.

Sundry Accompts of *David Melvill*, keeper of His Majesty's Goal in *Boston*, for Keeping and Subsisting several *Indian* Prisoners there.

Read, and Committed to the Committee for Petitions.

A Petition of Lieut. *Timothy Childs*, for Carting Provisions from *Deerfield* to *Northfield*, amounting to *l. 7 16 s.* And a Petition of the said *Timothy Childs* respecting the transportation of Prvisions from *Deerfield* to *Fort Dummer*, praying also for Allowance of the aforesaid Accompt.

Read, and Committed to the Committee for Muster-Rolls.

### Post Meridiem.

*Whereas the Town of Charlestown within the County of Middlesex is of great Extent and Length, and lyes commodiously for two Townships, and the Northerly part thereof being competently filled with Inhabitants, who labour under great Difficulties by their Remoteness from the Place of Publick Worship; and the said Northerly Part have thereupon made their Application to the said Town; and have likewise Addressed this Court that they may be set off a Distinct & Separate Town; and the Inhabitants of Charlestown by their Agents having consented to their being set off accordingly; and a Committee of this Court having Viewed the Northerly part of the said Town of Charlestown, and Reported in favour of the Petitioners:*

*Resolved*, That the Northerly part of the Town of *Charlestown* be Erected into a Separate and Distinct Township by the Name of \_\_\_\_\_ and that the Bounds and Limits of the said Town of \_\_\_\_\_ be according to the Agreement made by and between the Agents for and in behalf of the said Town of *Charlestown*, and the Petitioners of the Northerly part thereof; and that all the Lands and Meadows which the said Town of \_\_\_\_\_ shall be and remain to such Uses and Appropriations as are in the said Agreement made, and no other; and that the Petitioners have Leave to bring in a Bill, for the Erecting the Lands within the Bounds afore-mentioned into a Separate and Distinct Township by the Name of \_\_\_\_\_ accordingly. Sent up for Concurrence.

A Petition of *Joseph Averill*, late a Soldier in the Service of this Province, shewing, That he was in the particular Company under the Command of Col. *Edmund Goffe*, from *July* to *January*, 1721. but Col. *Goffe* in making up the Muster-Roll of his Company at that Time wholly omitted Enttring the Petitioner, so that he is without receiving any pay for the said Service, praying



this Court would Allow him for the said Service as to their Justice and Wisdom shall seem meet.

Read, and Committed to the Committee for Petitions.

*Paul Dudley* Esq; brought down the Petition of *Caleb Loring* and *Isaac Cushman*, jun. Agents for and in behalf of the Freeholders of and Proprietors within the Town of *Plympton*, with the Vote of the House thereon, as Entred the 27th. ult.

Pass'd in Council, viz. In Council, *Novemb.* 29th. 1725. Read and Non-Concur'd, and Ordered, That the Petition be dismissed. Sent down for Concurrence.

Read, and Non-Concur'd, and the House insist on their own Vote.

A Petition of *Solomon Bacon*, praying, That he may be Allowed to receive the Sum of *l.* 34 11 *s.* so much be charged for 17 Weeks and 2 Days Service, at 40 *s.* per Week for Service as Chyrurgeon to the Forces Eastward, as by the Accompt prefer'd to the Court in their present Session appears.

Read, and Committed to the Committee for Petitions.

Mr *Lewis* from the Committee for Muster Rolls, Reported, On the Accompt of Lieut. *John Larrabee*, for Enlisting Soldiers at His Majesty's Garrison of Castle [47] *William*, as Entred Yesterday. Which was Read and Accepted, and Resolved, That the said Lieut. *John Larrabee*, be directed to pay the within Ballance to Mr. Treasurer *Allen*, for which he is to give the Province Credit.

Sent up for Concurrence.

A Petition of *John English*, *Indian*, a Soldier in the Service of this Province, shewing, That he was formerly a Servant to Col. *Edmund Goffe*, by Assignment, which Service Expired Four Years since, That he has been upwards of Three Years in the Service of the Province as a Soldier, and that under pretence of the Petitioners being a Servant to the said Col. *Goffe*, he has taken up and Received the Petitioners Wages, and continues so to do, praying, That Col. *Goffe* may be directed to make out his Claim to his Service if any he has, that so he may not be kept back from his just dues.

Read and Resolved, That Col. *Edmund Goffe* be served with a Copy of this Petition, and that he be directed to appear before a Committee of this Court on or before *Monday* the sixth Day of *December*, Instant, at Four a Clock Afternoon, that he shew Cause (if any he have) why the Petitioner should not be allowed to Receive the Wages due for his Service as within mentioned; and that Mr. *Clark*, Mr. *Lindal*, and Mr. *White*, with such as the Honourable Board shall Appoint, be the Committee.

Sent up for Concurrence.

A Memorial of *Samuel Tyley* and *Benjamin Rolfe*, Clerks of His Majesty's Superiour Court of Judicature, Court of Assize, and General Goal delivery for this Province, in behalf of themselves and others the Officers of the said Court, shewing, That in the Execution of their Respective Offices they have done con-

siderable Services of a Publick Nature, as by the Accompt Annexed thereto appears; for which they have not been paid any thing by the County Treasurers as they formerly have Received for such Services: and that so it happens now that there is *Fifty Pounds* being the Forfeiture of a Recognizance to the King, for the use of the Province, lodged in the said Court, which was Recovered against one *Joshua Booth*, for his Default of Appearance, to Answer for Counterfeiting the Publick Bills of Credit, praying, they may be allowed for their said Services out of the said Sum of *Fifty Pounds* as to the Justices of the said Superiour Court shall seem meet, or that this Court would please to Order the payment of the said Sum, or so much of it as upon Examining the said Accompt may be thought Reasonable, to be paid them out of the Money lodged in the Superiour Court as aforesaid. Read and Committed to the Committee for Petitions, that they take the same under Consideration, and Report what they think proper for the Court to pass thereon; and also that the Committee prepare some proper Resolve for this Court to pass, to Enable the Justices of His Majesty's Superiour Court of Judicature, &c. to Certife to the several County Treasurers of this Province Respectively, of the like Services which may be done by the said Officers for the future, in order for the Justices of the Courts of General Sessions of the Peace within this Province directing payment thereof out of the County Treasury's Respectively.

A Petition of *Sarah Scales*, Widow, praying, That she may be allowed to Receive what Money was due to her Deceased Husband *Matthew Scales*, who was Slain by the Indian Enemy the last Spring, and left a Disconsolate Widow with Five small Orphans, destitute of means to Maintain her self and Children, praying, the Compassionate Consideration of the Court for such Relief in the Premises as to their Wisdom shall seem meet. Read, and in Answer to this Petition, *Resolved*, That the Petitioner or her Order be allowed and impowred to Receive out of the Publick Treasury, what Money was due to her Deceased Husband from the Province, at the time of his being Slain, and that the Treasurer be directed to pay the same accordingly. And further that the Sum of *Ten Pounds*, be allowed and paid out of the Publick Treasury to Major *Samuel Moodey*, to be by him paid to the Petitioner for her Support and her Children, in Consideration of their great Loss.

Sent up for Concurrence.

A Petition of *Francis Carey*, and *John Turner* and *Hannah* his Wife, of *Bridgewater* shewing, that the General Court at *Plymouth*, Ordered, *June* the 6th, 1660. That [ 48 ] *William Brett*, and others were to have a Competency of Lands between *Taunton*, and a place called *Teticut*, and afterwards, viz. *Octob. 1st. 1663.* the said Court granted an Enlargement to *Taunton*, provided it came not within two Miles of *Teticut*, and in *June 1665* the said Court granted to the said *William Brett*, and others to each of them 60 Acres of Land

between *Taunton* and *Teticut*, and so as that if those Lands should fall within the last Grant to *Taunton*, it should not make the former Grant Void, but that the said Lands should Remain to the said *William Brett*, &c. and their Heirs for ever, that in 1668. a Committee laid out the Lands aforesaid by Order of the said Court, with an Addition to the Lott of *William Bretts*, and some others of about 40 Acres to a Lott (as is supposed) for the poorness of the Land, but by Reason of the Uncertainty of the Survey and length of Time, the Petitioners cannot find out the said Lands, and as they have the only Right, pray that some suitable Persons may be Appointed to lay out the said Lotts on such Lands, as are not under Improvement at the place where they were granted, or that they may be otherwise Relieved as to the Court shall seem meet. Pass'd in Council, *viz.* In Council, *November 25. 1725.* Read and *Ordered*, That the Petitioners serve the Town of *Taunton*, with a Copy of this Petition, that so they give in their Answer (if they see cause) on Thursday the Ninth of *December* next. Sent down for Concurrence.

Read and Concurr'd, with the Amendments, *viz.* *Dele — Select Men —* and add — *Proprietors — Dele, from —* on Thursday, *8c.* — and add — on the Second Friday of the next *May* Session, and that the Consideration of the Petition be Referred to the next *May* Session accordingly.

Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of the Sloop *Merry-Meeting*, *Thomas Sanders* Master, as Entred the *27th. ult.* Which was Read and Accepted, and *Resolved*, That the Wages thereof be allowed and paid out of the Publick Treasury according to the said Report.

Sent up for Concurrence.

On the Accompt of Col. *Harman*, for Oars and Sloop Hire, as Entred Yesterday, Which was Read and Accepted, and *Resolved*, That the Sum of *Twenty three pounds six shillings and three pence*, be allowed and paid out of the Publick Treasury to Col. *Johnson Harman*, in full discharge thereof.

Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Ten a.Clock.

# VOTES

## Of the House of Representatives.

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Jobis Die 2. Decembris, A. D. 1725.

**C**OL. Stoddard from the Committee for Petitions, Reported, On the Petition of *Isaac Farrer* of *Ashford*, as Entred the 29th. ult. The Committee are of Opinion that the Petition be Dismiss'd. Read and Accepted, and Voted, That the Petition be Dismiss'd.

On the Accompt of Capt. *Timothy Dwight* for Expences, Disbursements, &c. at Fort *Dummer*, as Entred the 29th. ult. The Committee have Examined the within Accompt find it right Cast, and the Articles of Charge reasonable, are therefore of Opinion That the Sum of *Thirty Pounds* and *Ten Pence* be Allowed and Paid out of the Publick Treasury to Capt. *Timothy Dwight*, in full of the within Accompt; said *Dwight* to take Care to finish a Floor for which there is no Allowance, of about *Forty Shillings*, in the within Accompt. Read and Accepted, and Resolved, That the Sum of *Thirty Pounds* and *Ten Pence* be Allowed and Paid out of the Publick Treasury to the said Capt. *Dwight*, and that he be enjoyned to lay the Floor according to the said Report, in full Discharge of said Accompt. Sent up for Concurrence.

On Capt. *Dwights* Accompt of the Goods lost by the People that were surprized by the Enemy at *North River Sept. 11th. 1725.* Which was Read and Accepted, and Resolved, That the Sum of *Twenty two Pounds Nine Shillings* be Allowed and Paid out of the Publick Treasury to the Persons respectively to whom it is due, or to their Legal Representatives, in full of the above Accompt. Sent up for Concurrence.

On the Petition of the Proprietors of the Common and Undivided Lands in the Township of *Suffield*, as Entred the 27th of *June*, and 25th of *November*, last. Which was Read and Accepted, and Ordered, That in Consideration of the Land taken off from the Township of *Suffield*, in Setling the Divisional Line between this Province, and the Colony of *Connecticut*, that Twelve Hundred Acres of Land be granted as an Equivalent to those to whom of right those Lands would have belonged, in case they had continued to *Suffield*, (whither Town or Proprietors) said Twelve Hundred Acres to be laid out on the Westwardly side of *Connecticut River*, by a Surveyor and Chain-men under Oath, and a Plat thereof returned to this Court for Confirmation.

Sent up for Concurrence.



## Post Meridiem.

*Thomas Palmer*, Esq; brought down the Petition of sundry Inhabitants of the Westerly part of the Town of *Wrentham*, praying, as Entred the 22 of *June* last and referred to this Session. Pass'd in Council, *viz.* In Council, *December 2d. 1725.* Read, together with the Answer of the Agents of the Town of *Wrentham*, and the Petition of *Benjamin Grant*, and others, and the same being fully Considered, Ordered, That *Edmund Quincy*, and *Paul Dudley* Esqrs; with such as shall be joyned by the Honourable House of Representatives, be a Committee to repair to the Town of *Wrentham*, and View the said Town, hear all Parties concerned, and Report to this Court at their next *May* Session, what they think proper for the Court to do on this Petition: The Charge of the Committee to be born by the Petitioners. Sent down for Concurrence.

Read and Concurr'd, and Ordered, That Col. *Chandler*, Major *Tileston*, and Mr. *Josiah Jones*, be joyned in the Affair. [ 50 ]

A Petition of *Robert Harris*, of *Boston* Mariner, shewing, that one *Nathaniel Gardner* of *Sherburn*, in *Nantucket* County on the 16th. of *September* last, brought an Action against him at the Inferiour Court of Common Pleas held at *Sherburn* in *Nantucket* County aforesaid, when Judgment went against the Petitioner by Default, that he was out of the Province at the time of the Service of the Writ, and did not come into the Province till the said Court was over, praying, he may be Enabled to Re-Enter the said Action at the next Inferiour Court there, giving the said *Gardner* due Notice thereof, and that the Judgment and Execution may be Suspended for the Reasons therein mentioned. Read and Sent up.

Mr. Secretary *Willard*, brought down the Bill Entituled, *An Act to Impower the Sheriffs, Constables, and other Officers of Justice in the Neighbouring Provinces and Colonies, as well to pass and repass, as to convey such Persons or Things as may be in their Custody, on the Service of any Writ, Warrant or other Process, by and thro' any of the Roads or Publick Ways lying in or leading thro' any of the Lands of this Province:* with the Vote of the House thereon. Sent up Yesterday, and a Message, That the Board were of Opinion that the Amendment made by the House would be more proper to be brought into a Bill by it self. Pass'd in Council, *viz.* In Council, *December 1st. 1725.* Read and not agreed to. Read and the Question was put, *Whither the House will Concur with the Honourable Board on said Bill?*

Resolved in the Affirmative.

A Petition of *Jonathan Bowers*, *Samuel Hunt* and 28 others, Dwellers on the Lands called *Wameseck Purchase*, and *Winthrops Farm*, which Lands lye Adjacent to *Billerica*, betwen *Pantuckett* and *Chelmsford* Line, praying, That

they may be Erected into a Seperate and Distinct Precinct or Town, for the Reasons therein given. Read and Referred to the next *May* Session for further Consideration, and that in the mean time, the Petitioners Notifie the Town of *Billerica* of this Petition, and that they then shew Cause (if any they have) why the Prayer of the Petition should not be granted.

Sent up for Concurrence.

A Muster-Roll of the particular Company in His Majesty's Service Eastward, under the Command of Col. *Thomas Westbrook*, Esq; Captain.

Read and Committed to the Committee for Muster-Rolls.

A Muster-Roll of the Company in His Majesty's Service at Fort *Mary*, at *Winter Harbour* under the Command of Capt. *Samuel Hinckes*.

Read and Committed to the Committee for Muster-Rolls, with an Accompt for Wooding and Disbursments on the said Fort.

A Muster Roll of the Company in His Majesty's Service under the Command of Capt. *Richard Bourn*.

Read and Committed to the Committee for Muster-Rolls.

An Accompt of Col. *Eleazar Tyng*, for the Funeral Expençe of *Christian*, one of the *Maquois*, who Dyed in the Service of this Province.

Read and Committed to the Committee for Petitions.

An Accompt of *William Young* Glazier, from *April* 4th. to *December* 11th. amounting to *l. 3 9 s.* being for Glaziers work done at the Province House, Certified by Mr. Sheriff *Winslow*. Read and Resolved, That the Sum of *Three pounds nine shillings* be allowed and paid out of the Publick Treasury to the Accomptant *William Young*, in full discharge thereof. Sent up for Concurrence.

An Accompt Signed *John Larrabee*, amounting to *l. 48 8 s.* for sundry Repairs at His Majesty's Castle *William*.

Read and Committed to the Committee for Petitions.

A Petition of *Benjamin Johnson*, and *Samuel Pierce*, of *Woburn*, shewing, That they Subsisted two of the Men that Engaged with the Indian Enemy, under the late [ 51 ] Capt. *Lovewell*, at *Piggwacket*, who were Wounded, and in their return were subsisted 39 Weeks, praying, for such allowance therefor as to this Court shall seem meet, for the Reasons therein mentioned.

Read and Committed to the Committee for Petitions.

Mr. *Lewis* from the Committee for Muster Rolls, Reported, On the Muster-Roll of Capt. *William Canada*, from *November* 21. 1724. to *November* 22. 1725. as Entred *November* 24. Which was Read and Accepted, and Resolved, That the Wages thereof be allowed and paid out of the Publick Treasury agreeable to the said Report.

Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Ten a Clock.

Veneris Die 3. Decembris, A. D. 1725.

**R**esolved, That the Sum of *Three pounds sixteen shillings* be allowed and paid out of the Publick Treasury to *John Stoddard* Esq; to be by him paid to *Ebenezer Kinsley*, of *Northampton*, for so much due to the said *Kinsley*, for his Service in attending the Commissioners lately sent to *Canada*, which was before casually Omitted.

Sent up for Concurrence.

Col. *Stoddard*, from the Committee for Petitions, Reported,

On the Petition of *Hugh Pike*, as Entered the 18th. Which was Read and Accepted, and Resolved, That the Sum of *Fifteen pounds*, be allowed and paid out of the Publick Treasury to the Petitioner *Hugh Pike*, in Consideration of the Wounds he formerly Received in the Service of this Province.

Sent up for Concurrence.

On the Petition of *Joseph Averill*, as Entred the 1st. Which was Read and Accepted, and Resolved, That the Sum of *Eleven pounds eleven shillings and five pence* be allowed and paid out of the Publick Treasury to the Petitioner *Joseph Averill*, in Consideration of his Service under Col. *Edmund Goffe* from *July 27th.* to *January 25th.* 1721. for which time he hath not been Entred on any Roll.

Sent up for Concurrence.

On the Petition of *Solomon Bacon*, as Entred the 1st. Currant. Which was Read and Accepted, and Resolved, That the Sum of *Twenty five pounds nine shillings*, be allowed and paid out of the Publick Treasury to *Solomon Bacon*, in full for his Service Eastward from *May 12th* to *September 9th.* 1725.

Sent up for Concurrence.

On the Accompt of Capt. *Thomas Smith*, as Entred the 1st. Currant. Which was Read and Accepted, and Resolved, That the Sum of *Fifty seven pounds nine shillings* and *eight pence* be allowed and paid out of the Publick Treasury to Capt. *Thomas Smith*, in full discharge of said Accompt. Sent up for Concurrence.

An Accompt Signed *Edward Eveleth*, being for sundry Charges and Expences, &c. in taking the Indian Hostage *Saccaristis*, and an Indian Captive Named *Tom*, pursuant to an Advertisement of Mr. Sheriff *Winslow*, and conveying them from *Ipswich* to *Boston*, and delivering them to Mr. *Winslow*.

Read and Committed to the Committee for Petitions.

Upon a Motion made by Mr. *John Kent*, Representative of the Town of *Suffield*. That the House would Reconsider their Vote pass'd Yesterday on the Petition of the Proprietors of the Common and Undivided Lands in the Township of *Suffield*. Ordered, That a Message be sent up to the Honourable Board to desire they would send down the said Petition. [ 52 ]

*Thomas Palmer*, Esq; brought down the same, and the House having entred into some debate thereon, the Question was put, *Whether they would Reconsider their said Vote?*

Resolved in the Affirmative.

And

*Ordered*, That *John Chandler*, Esq; Mr. *John Brown* of *Mendon*, and Capt. *William Ward*, or any two of them, be a Committee at the Charge of the Town of *Suffield*, to Repair to the Lands said to be taken off from the said Town in Running the Line between this Province and the Colony of *Connecticut*, view the same, and fully consider the Nature and Quality thereof, and make Report of what they think proper for an Equivalent for Eight Hundred Sixty Eight Acres of Land, so much there appears to be less in that Township than there should be by the Grant thereof, which Equivalent is to be taken up of the Province Lands on the Westerly side of *Connecticut River*, the Report to be made to this Court as soon as may be.

Sent up for Concurrence.

A Petition of *Thomas Snell* of *Mansfield*, in the Colony of *Connecticut*, praying, The Authority of this Court to enable him to bring forward his Appeal to the Governour and Council, for the Reversing of the Probate of a pretended Will (as the Petitioner suggests) made by his Father *Thomas Snell* late of *Bridge-water* in the County of *Plymouth* Deceased, the Probate of which Will was made before and allowed by the Honourable *Isaac Winslow* Esq; Judge of Probates for said County, the Petitioner having moved to the said Judge for an Appeal, but was denied, because Six Months were Elapsed since the Probate aforesaid, and the Petitioner was not knowing of the Law in that Case Provided. Pass'd in Council, viz. In Council, *December 2. 1725.* Read and Ordered, That the prayer of the Petition be granted, and that the Judge of Probates for the County of *Plymouth* be directed to allow the Petitioner an Appeal accordingly: Any Law Usage or Custom to the Contrary notwithstanding.

Sent down for Concurrence.

Read and Concurr'd.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Peter Oliver*.

Read and Committed to the Committee for Muster-Rolls.

A Petition of *William Lund* of *Dunstable*, setting forth that in *September, 1724.* he was Captivated by the Indian Enemy and carried to *Canada*, that he has suffered great Difficulties and Hardships in his Captivity, and was at considerable Expence for procuring his Redemption, praying, for such Relief in the Premises as to the Wisdom of this Court shall seem meet, for the Reasons therein mentioned.

Read and the Question was put, *Whether any Allowance shall be made the Petitioner out of the Publick Treasury?* It pass'd in the Negative.



*Edward Hutchinson* Esq; brought down the Petition of Capt. *Robert Harris*, as Entred Yesterday. Pass'd in Council, viz. In Council, *Decemb. 3d. 1725.* Read and Ordered, That the prayer of the Petition be granted.

Sent down for Concurrence.

Read and Concurr'd. And that the Petitioner have leave to Re-enter the said Action at the next Inferiour Court of Common Pleas to be held in and for the County of *Nantucket*, that he give due Notice thereof to the said *Nathaniel Gardner*, and that the aforesaid Judgment and Execution thereon shall be superseded accordingly: Any Law Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

A Petition of *Richard Hunt* of *Boston*, praying he may have some further Allowance made him than what he had last Session of this Court, on Accompt of a Horse he Let to one *Zechariah Triscot*, which was Wounded in the Service of the Province, for the Reasons therein given. Read and *Resolved*, That the Sum of *Forty Shillings* be Allowed and Paid out of the Publick Treasury to the said *Richard Hunt*, in full Satisfaction of the Damage he sustained by reason of his Horse's being Wounded, as within mentioned. Sent up for Concurrence. [ 53 ]

### Post Meridiem.

A Petition of *Eunice White*, Relict Widow of Capt. *John White* late of *Lancaster*, Deceased, praying, That the Sum of *l. 10 4 s. 6 d.* may be allowed out of the Publick Treasury for so much arising for Doctors and other necessary Charges in her Husbands last Illness (who as the Petitioner suggests) Dyed in the Service of the Province. Read and *Resolved*, That the Sum of *Ten pounds four shillings and six pence*, be allowed and paid out of the Publick Treasury to Mr. *Joseph Wilder*, in Answer to this Petition, to be by him paid to the Persons to whom the same is due, to discharge the Articles in the Accompt to the Petition Annexed.

Sent up for Concurrence.

A Bill Entituled, *An Act for Encouraging the Raising of Hemp within this Province.*

Read a Second Time.

An Accompt of *John Stoddard* and *John Wainwright* Esqrs; Amounting to *l. 86 17 s. 3 d.* being for their Expences and Time, &c. in their late Voyage to *St. Georges River* to treat with the Indians Eastward, by Order of the Government. Read and *Resolved*, That the Sum of *Sixty six Pounds Seventeen Shillings and Three Pence* be Allowed and Paid out of the Publick Treasury to the said *John Stoddard* and *John Wainwright* Esqrs; in full discharge of the said Accompt, the Sum of *Twenty Pounds* being already paid them. Sent up for Concurrence.

An Accompt of Mr. *Jonathan Peirpoint*, Amounting to *l. 39*, for his Service as Chaplain to the Forces Eastward, from *June 4th* to *December 3d.* 26 Weeks at 30 *s. per Week.* Read and *Resolved*, That the Sum of *Thirty nine Pounds* be Allowed and Paid out of the Publick Treasury to Mr. *Jonathan Peirpoint*, in full discharge of this Accompt. Sent up for Concurrence.

A Petition of *John Akin*, *Phillip Tabor* and *Jacob Tabor*, Select-men and Assessors of the Town of *Dartmouth*, praying, That *Twenty Eight Pounds* of their proportion of the Province Tax for the present Year, may be abated for the Reasons given.

Read, and Committed to the Committee for Petitions.

Then the House Adjourn'd till to Morrow Morning Ten a.Clock.

**Sabbati Die 4. Decembris, A. D. 1725.**

COL. *Stoddard* from the Committee for Petitions, Reported, On the Accompt of Col. *Tyng*, for the Funeral charges of *Christian*, a *Maquoi*, who dyed in the Service of the Province, as Entred the 2d Currant. Which was Read and Accepted, and *Resolved*, That the Sum of *Two Pounds Six shillings* be Allowed and Paid out of the Publick Treasury to Col. *Eleazer Tyng*, in full discharge of the within Accompt. Sent up for Concurrence.

On the Accompt of Lieut. *John Larrabee*, for sundry repairs of His Majesty's Castle *William*, as Entred the 2 d. Which was Read and Accepted, and *Resolved*, That the Sum of *Forty Eight Pounds Eight shillings* be Allowed and Paid out of the Publick Treasury to Lieut. *John Larabee*, to be by him paid to the persons to whom the same is respectively due, in full discharge of the within Accompt. Sent up for Concurrence.

On the Petition of *Robert Richardson* of *Chemsford*, as Entred the 17th. ult. The Committee are of Opinion, That the Petition be dismiss'd. Read and Accepted, and *Voted*, That the Petition be dismiss'd. [ 54 ]

Mr. *Lewis* from the Committee for Muster-Rolls, Reported,

On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Samuel Hinckes* at *Fort Mary* at *Winter Harbour*, with the Accompt of Disbursements, &c as Entred the 2 d. Currant. Which was Read and Accepted, and thereupon *Resolved*, That the Sum of *One hundred Thirty eight pounds eleven shillings and seven pence* be Allowed and Paid out of the Publick Treasury to Capt. *Samuel Hinckes*, to be by him paid to the Officers and Soldiers born on the within Roll, to whom the same is due, in full discharge of the Wages thereof; and that the further Sum of *Twelve Pounds one shilling and six pence* be Allowed and Paid out of the Publick Treasury, to the said *Samuel Hinckes* in full, for the Accompt of Wooding the said Fort and his Accompt of Disbursements within Written.

Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Richard Bourn*, as Entred the 2 d. Which was Read and Accepted, and *Resolved*, That the Wages thereof be Allowed and Paid out of the Publick Treasury, agreeable to the said Report. Sent up for Concurrence.

On the Muster Roll of the particular Company in His Majesty's Service under the Command of Col. *Thomas Westbrooke*, Esq; Captain, as Entred the 2 d. Which was Read and Accepted, and *Resolved*, That the Wages thereof be Allowed and Paid out of the Publick Treasury, agreeable to the said Report.

Sent up for Concurrence.

On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Peter Oliver*, as Entred Yesterday. Which was Read and Accepted, and *Resolved*, That the Wages thereof be Allowed and Paid out of the Publick Treasury, agreeable to the said Report. Sent up for Concurrence.

An Accompt of the Commissioners of the County of *Middlesex*, for letting out the *l.* 100,000 Loan, from *February 13th.* 1723, 4. to *February 13th.* 1724, 5.

Read and Committed to the Committee for that Service appointed.

A Bill Entituled, *An Act for dividing the Town of Haverhill, and Errecting a New Town there, and in parts adjacent, by the Name of* Pass'd in Council, *viz.* Read three several times and Pass'd to be Engross'd.

Sent down for Concurrence. Read a first time.

Then the House Adjourn'd till Monday next Three a-Clock Afternoon.

# VOTES

## Of the House of Representatives.

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Lunæ Die 6. Decembris, A. D. 1725.

**A** Bill Entitled, *An Act for Dividing the Town of Haverhill and Erecting a New Town there, and in parts adjacent by the Name of*  
Read a second time.

A Petition of Lieut. *Joseph Bane*, shewing, That in sundry Messages by Order of the Government, and attendance on the Eastern Indians at their several Treaties since *March* last, he has necessarily been at the Expence of *Six Pounds*, praying the same may be allowed out of the Publick Treasury for the Reasons given.

Read and Committed to the Committee for Petitions.

An Accompt of Capt. *John Penhallow* amounting to *l. 14 15 s. 11 d.* for sundry Disbursements in the Service of this Province Eastward.

Read and Committed to the Committee for Muster-Rolls.

Mr. Secretary *Willard* brought down a Publick Letter from Mr. Agent *Dummer*, Dated *London, September 30th. 1725.* Inclosing a Copy of his Letter of the *13th. of September, &c.* Respecting our Affairs at the Court of Great Brittain and Advising that the Board of Trade and Plantations had declared they would Report to their Excellencies the Lords Justices, That care might be taken at the Court of *France*, for Restraining the French from assisting the Indians in carrying on the War against us, and that in the mean time Orders shall be sent to the Respective Governours of *New-York* and *Rhode Island, &c.* to furnish their several Quotas; which his Honour thought proper to Communicate. Read.

Then the House Adjourn'd till to Morrow Morning Ten a.Clock.

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Martis Die 7. Decembris, A. D. 1725.

**M**R. *Cushing*, from the Committee for that Service appointed, Reported, On the Petition of *James Smith & Nathaniel Chapman*, two Soldiers late in the Service under the Command of Lieut. *John Lane*, as Entred the *29th. ult.* Which was Read and Accepted, and Resolved, That the Sum of *Ten pounds ten shillings*, be allowed and paid out of the Publick Treasury to *James Smith*, or his Order; and the further Sum of *Eight pounds nineteen shillings* be allowed and paid out of the Publick Treasury to *Nathaniel Chapman* or his Order, being so much Respectively due to them for their Wages in the Service of this Province, while under the Command of Lieut. *John Lane*.

Sent up for Concurrence.



On the Petition of *Ephraim Ayers*, a Soldier late under the Command of Lieut. *John Lane*. Which was Read and Accepted, and *Resolved*, That the Sum of *Eight pounds four shilling* be allowed and paid out of the Publick Treasury to the said *Ephraim Ayers*, for so much due to him for his Service while under the said *Lane's* Command. Sent up for Concurrence. [ 56 ]

Mr. *Wilder* from the Committee appointed to consider of and Report on the Petition of *Phineas Richardson* and others, Soldiers late under the Command of Col. *Goffe*, and also the Muster-Roll of the said *Goffe*, as Entered the 16th. of *November*. Which was Read and Accepted, and *Resolved*, That the Wages and Subsistence thereof be allowed and paid out of the Publick Treasury accordingly. Sent up for Concurrence.

A Bill Entitled, *An Act for Encouraging the Raising of Hemp within this Province*. Read a third time, and Committed to Mr. *Wilder*, Mr. *Cushing* and Capt. *Wells*, to consider of the same and Report what amendments may be proper to be made thereon.

A Memorial of Capt. *Samuel Hincks*, praying, That the Sum of 50 s. may be allowed him out of the Publick Treasury for the use of *Jacob Pett*, for so much stopt out of the said *Jacob Pett's* Wages due on Col. *Harmans* Roll, he having since Returned a Gun into the Province Stores, for which the said 50 s. was stopped.

Read and Committed to the Committee for Muster Roll.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Benjamin Wright* of *Northfield*.

Read and Committed to the Committee for Muster-Rolls.

An Engross'd Bill Entitled, *An Act to empower the Sheriffs, Constables and other Officers of Justice in the Neighbouring Provinces and Colonies as well to pass and repass, as to convey such Persons or Things as may be in their Custody, on the Service of any Writ, Warrant or other Process, by and through any of the Roads or Publick ways, lying in or leading through any of the Towns or Lands of this Province*.

Read and Resolved that the Bill pass to be Enacted.

*Edward Hutchinson* Esq; brought down a Bill Entitled, *An Act for Repealing an Act Entitled, An Act for Relief and Release of Poor Prisoners for Debt*. Pass'd in Council, viz. Read three several times and pass'd to be Engross'd.

Sent down for Concurrence. Read a first time.

A Memorial of Mr Secretary *Willard*, praying, That the Order of this Court may pass for appointing a place for the safe keeping a Duplicate of the Records so far as they are compleated, and also that he may know the Pleasure of the Court, whither they would have a Duplicate of the Records of the General Court further continued and made out. Read and *Ordered*, That Mr Secretary *Willard*, be and hereby is Impowred and Directed to make out a

Duplicate of the Records of this Court up to this time, to be lodged as the Court shall order

Sent up for Concurrence.

Col. *Stoddard* from the Committee for Petitions, Reported, On the Petition of Lieut. *Joseph Bane*, as Entred Yesterday, Which was Read and Accepted, and *Resolved*, That the Sum of *Five pounds ten shillings* be allowed and paid out of the Publick Treasury to Lieut. *Joseph Bane*, in consideration of his Expence in the Service of the Province, as within mentioned. Sent up for Concurrence.

On the Petition of *Benjamin Johnson*, and *Samuel Price*, as Entred the 2 d. Which was Read and Accepted, and *Resolved*, That the Sum of *Four pounds*, viz. *Forty shillings* each be allowed and paid out of the Publick Treasury to Mr. *Daniel Pierce*, for the use of the Petitioners, in Answer to their Petition.

Sent up for Concurrence.

A Petition of *Francis Archbald*, of *Boston* Physician, Administrator *de bonis non &c.* of *Daniel Royse*, Deceased, praying he may be Enabled to take off the Incumbrance on a House and Land formerly belonging to *Edward Wyllis*, where Col. *Winthrop* now lives, by transferring to the Assigns of Col. *Vetch*, the Remaining Interest which belongeth to the Estate of the said *Daniel Royse*, for the Reasons therein mentioned. Pass'd in Council, viz. In Council, *Decemb. 3d. 1725.*

Read and Ordered, That [ 57 ] the Petitioner be and hereby is Impowred to take off the Incumbrance on the Premises in the Petition mentioned, by transferring the Interest which belonged to the Estate of the said *Daniel Royse*, by virtue of the said Execution; to *Adam Winthrop* Esq; the Assignee of Col. *Vetch*, that so the Money due on the Bond from him and Mr. *Borland*, may be paid to those unto whom it belongs by Law.

Sent down for Concurrence.

Read and Concur'd.

*Paul Dudley* Esq; brought down the Muster-Roll of Capt. *Samuel Wright*, with the Vote of the House thereon, as Entred the 26 ult. Which accompanied a Memorial of Mr. *Parsons*, and a Message respecting the Men said to be Posted with him, and born on the said Roll. Read, and Committed to the Committee for Muster-Rolls.

A Petition of Lieut. *Joseph Dimmock*, shewing, That in the late Battle of *Neridgawock*, the Petitioner being in the Company under the Command of Capt. *Richard Bourn*, he received a Wound in his Back, of which he is not as yet perfectly cured; that he has received something of the Bounty of this Court, but he remaining unable to provide for himself by reason of the Infirmary brought on him by the said Wound; prays for the Compassionate Consideration of the Court to Order him for his support, as to their Wisdom and Justice shall seem meet, for the reasons therein mentioned.

Read, and Committed to the Committee for Petitions.

Post Meridiem.

A Bill Entitled, *An Act for dividing the Town of Haverhill, and Erecting a New Town there, and in parts adjacent, by the Name of*

Read a Third Time, and Voted a Concurrence.

A Memorial and Representation of *Nathaniel Byfield* Esq; Attorney of the Children and Heirs of *John Leverett* Esq; late President of *Harvard College*; shewing, That the said President in the Execution of the said Office Expended some Hundreds of Pounds more than the Salary amounted to, and the Memorialist perswades himself that this Court will take the same into their serious Consideration, and have a due and equitable Regard to the Premises, for the Reasons therein mentioned.

Read, and the House debated thereon, and the Question was put, *Whether the Momorial shall be dismiss'd?* Resolved in the Affirmative.

A Petition of the Proprietors of the Common and Undivided Lands of *Dunstable*, signed *Henry Farwell*, *Samuel French* and *Joseph French*, shewing, That at the Inferiour Court of Common Pleas held at *Charlestown* in *March* last, Col. *Eleazer Tyng* of *Dunstable*, brought an Action of the Case against the Petitioners, as he was Executor of the last Will and Testament of *Jonathan Tyng* Esq; deceased, for refusing to lay out 440 Acres of Land to the Testator in his Life Time, or to the Petitioner, (*Executor*) to his damage 440 Pounds, that the Writ was Served but Fourteen days precisely on the Petitioners before the Sitting of the said Court, that it was impossible to have a Proprietors Meeting before the Sitting of the said Court, which requires 14 days Notice, and therefore four or five of the Proprietors came in Person, and left Mr. *John Reed* their Attorney at the said Court, but the Court would not hear the said Mr. *Reed's* Pleas, unless he could produce a Power from the Proprietors, so that Judgment went against them by Default; praying, That the said Judgment may be Reversed, & that they may be Enabled to defend the said Suit at the next Inferiour Court at *Charlestown*, or that a further day may be given 'till *March* Court, and then the said Action may come on, and the Petitioners may then appoint their Agents to defend the same, for the Reasons therein given. Pass'd in Council, viz. In Council, *December* 3d. 1725. Read, and Ordered, That the Petitioners serve *Eleazer Tyng* Esq; with a Copy of this Petition, that so he give in his Answer thereto on Wednesday next, (if he see cause) and that Execution be stayed in the Mean Time. Sent down for Concurrence.

Read and Concur'd. [ 58 ]

An Accompt of Capt. *Thomas Wells*, amounting to *l. 9 1 s. 9 d.* for Subsisting sundry *Connecticut* Soldiers and Horses, in *September & October* last, Certified by *Nathaniel Pinney*, Lieut. Read and Resolved, That the Sum of *Nine Pounds one shilling and nine pence* be Allowed and Paid out of the Publick

Treasury to Capt. *Thomas Wells*, in full discharge of the within Accompt. Sent up for Concurrence.

An Accompt of *John Sawyer* of *Falmouth*, for Lodging, Nursing and Attendance, &c. on *Zechariah Trescot*, who was Wounded by the Indian Enemy in *May*, Amounting to *l. 10 15 s.* being 13 Weeks. Certified by Dr. *Ebenezer Allen*.

Read, and Committed to the Committee for Muster-Rolls.

A Petition of Mr. *David Persons* of *Leicester*, in behalf of Himself and Family; shewing, That by reason of the present Indian War the said Town of *Leicester* is reduced to low Circumstances, and unable to make such Provision for him for his Support in the Ministry, which they would be able as well as willing otherwise to do; praying, That this Court would please to make him such Allowance for his Support out of the Publick Treasury, as to their Wise Compassion shall seem meet, for the reasons therein mentioned. Read and in Answer to this Petition, *Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury to the Petitioner, the better to Enable him to carry on the Work of the Ministry, and Support his Family in *Leicester*. Sent up for Concurrence.

*Ordered*, That a Message be sent up to the Honourable Board, to desire they would send down the Muster-Roll of Serjeant *Joseph Knowlton*. Sent up the 20th. ult.

*Samuel Thaxter* Esq; brought down the said Muster-Roll, & the House having taken their Vote into Consideration, & supposing that Mr. Treasurer might be uncertain to whom to pay the Subsistence Money due thereon, to prevent the same; *Resolved*, That the Subsistence due on the within Roll, be Allowed and Paid out of the Publick Treasury to Mr. *John Kent* of *Suffield*, to be by him paid to Mr. *John Sherman* of *Brimfield*, and by him to be repaid to the persons that have Subsisted the Men born on the within Roll, to whom the same is respectively due, in full discharge of the Subsistence thereof, the aforesaid Resolve of this Court notwithstanding.

Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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**Mercurij Die 8. Decembris, A. D. 1725.**

**A** Bill Entitled, *An Act for Repealing An Act Entitled, An Act for Relief and Release of Poor Prisoners for Debt*

Read a second time, and a third time, and Voted a Concurrence with the Honourable Board. Sent up.

Col. *Stoddard* from the Committee appointed to inquire into what may be thought necessary to be sent Eastward, for the present necessities, &c. of the Indians, Reported thereon; Which was Read and Accepted, and thereupon



*Resolved*, That Mr. Treasurer be and hereby is Ordered and Directed forthwith to purchase a Quantity of such Goods as are Enumerated in a List hereto annexed (in a suitable proportion) to the Value of about *Seven Hundred Pounds* in the whole, & said Goods to be put on Board the Sloop *Merry Meeting* Capt. *Thomas Sanders*, Master, in which Sloop the Delegates are to return; and the said Goods to be Sold by Mr. *Edmund Mountfort*, to such Indians as shall think fit to purchase them at the Rates they shall be set at in the Invoice; and in Exchange for them to take Peltry & other Goods at the Prizes they shall be directed to receive them. Sent up for Concurrence. [ 59 ]

*Edmund Quincy* Esq; brought down the Petition of *John English*, an *Indian* in the Service of this Province, paying, as Entred the 1<sup>st</sup>. Currant, with the Report of the Committee of both Houses thereon, viz. *In Obedience to the foregoing Order of the General Court, the Committee appointed on the Petition of John English, an Indian Soldier, have heard Col. Edmund Goffe thereon, and are of Opinion*, That the said *John English* may be Allowed to receive the Wages that may be due to him for any Service done, since *November 30th. 1721.* for that *Col. Goffe* has not made it appear to us, That the said *John English* was his Servant after that Time.

*Thomas Hutchinson* per Order.

Pass'd in Council, viz. In Council, *December 8th. 1725.* Read and Ordered, That this Report be Accepted.

Sent down for Concurrence. Read, and Unanimously Concur'd.

A Petition of *Richard Mullen* late a Soldier in the Service of this Province, and sometime under the Command of Col. *Thomas Westbrooke*, in this particular Company; shewing, That Col. *Westbrooke* by his Order took up Fourteen Months pay due to him for his Service, of which he has received but 45 s. and some Slops; That there is now due to him about *Ten Pounds*, which the said Col. *Westbrooke* refuses to pay or Accompt with him for; praying, he may have such Relief in the Premises as to the Wisdom and Justice of this Court shall seem meet. Read and Committed to Mr. *Clark*, Mr. *White*, Capt. *Epes* and Capt. *Foster*, to take the same under Consideration: That Col. *Westbrooke* and the Petitioner be directed to Attend the Committee; and that they Report what they think proper for the Court to pass thereon.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of the Company under the Command of Col. *Johnson Harman*, as Entred the 30th. of *November*. Which was Read and Accepted, and *Resolved*, That the Wages thereof be Allowed and Paid out of the Publick Treasury, agreeable to the said Report.

Sent up for Concurrence.

An Accompt of *Samuel Jordan*, amounting to l. 5 5 s. for Horse Hire and Expences from *Biddeford* to *Boston*, and keeping the said Horse 30 days per

Order, being to Meet the Indian Delegates. Read and *Resolved*, That the Sum of *Five Pounds five shillings* be Allowed and Paid out of the Publick Treasury to the Accomptant Capt. *Samuel Jordan*, in full discharge of said Accompt.

Sent up for Concurrence.

### Post Meridiem.

A Memorial of *John Dean* of *Woburn*, shewing, That he did the Duty of a Serjeant in Ordering & Conducting Twelve Men in the Service of this Province, from the 21st of *May* to the first of *July* last, by Order of his Honour the Lieut. Governour, but Col. *Tyng* in making up his Muster-Roll Omitted carrying him out as a Serjeant, so that he received Centinels pay only; praying, That he may be Allowed Serjeants pay for the Time and Service afore mentioned. Read, and in Answer to this Petition *Resolved*, That the Sum of *Twenty Shillings* be Allowed and Paid out of the Publick Treasury to the said *John Dean*, or his Order, in Consideration of the Services within mentioned.

Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Accompt and Petition of Lieut. *Timothy Childs*, for Carting Provisions, &c. from *Deerfield* to *Northfield*, as Entred the 1st Currant, Amounting to *l. 7 16 s.* with an Accompt of *l. 15 15 s.* presented the last Session of this Court referred to in the within Petition; praying Allowance therefor, both of them setting forth the extraordinary Charge he was at in Transporting Provisions, &c. for the Forces at Fort *Dummer*, with the Charge of Two Expresses, Amounting to *6 s.* The Committee having examined the same find them right Cast and reasonably charged; and inasmuch as the Weekly charge of Subsisting Soldiers in the Service of the Western Towns Amounting to considerably more than what is Allowed for Subsistence at that Fort, and the Carriage thither is [ 60 ] difficult, are of Opinion, That the whole of both said Accompts, with the Expresses, Amounting in all to the Sum of *l. 23 17 s.* be Allowed and Paid out of the Publick Treasury to the Petitioner *Timothy Childs*, in full discharge thereof. Read and Accepted, and *Resolved*, That the Sum of *Twenty three pounds Seventeen shillings* be Allowed and Paid out of the Publick Treasury to Lieut. *Timothy Childs*, in full of the Two Accompts within mentioned. Sent up for Concurrence.

An Engross'd Bill Entitled, *An Act for dividing the Town of Haverhill, and Erecting a New Town there, and in parts Adjacent, by the Name of Methuen.*

Read, and *Resolved*, That the Bill pass'd to be Enacted.

A Declaration and Representation of Col. *Johnson Harman*, shewing, That in the Journal which he presented in the present Session of this Court, it was

therein set forth as tho' the Commissioners lately sent Eastward had Ordered or Desired the Army under the said *Harman's* Command, to disist their March; that he truly acknowledges that he never had any such Order from them, neither did they desire the Army to desist their March; but that the Entry made in the Journal was a Mistake of the Clerk, and Oversight of him the said *Harman*, and not design'd to prejudice the said Commissioners, and therefore the said Col. *Harman* prays, That the said Mistake may be pass'd by and overlook'd. Read.

A Petition of Col. *Johnson Harman*, shewing, That whereas an Estople was laid on the Wages due to him and his Servant upon his Muster-Roll, presented to this Court in their last Session, by reason of sundry Complaints then Exhibited against him; and he having since fully Answered the said Complaints, and Satisfied the demands made by several Persons; praying the Consideration of this Court, that the said Estople may be taken off, and that he may now be Allowed to receive the Wages due, as aforesaid, for the Reasons therein mentioned. Read, and the House being satisfied that the Two Complainants against Col. *Harman*, viz. *Holman* and *Cross* have received their Wages, That the Sum of *Fifty Pounds Two shillings and six pence*, be no longer detained but Allowed and Paid out of the Publick Treasury to Col. *Johnson Harman*, being for one half and the full remainder of his own Wages, and the Wages of *Thomas Varril*, and *Thomas Black*, stop'd on the aforesaid Roll, and is in full discharge of the Wages thereof, and in Answer to this Petition. Sent up for Concurrence.

The Muster-Roll of Capt. *Samuel Wright*, with the Vote of the House thereon, as Entred the 26th. ult. brought down by *Paul Dudley* Esq; the 7th Currant, & a Memorial of the Reverend Mr. *David Parsons*; with a Message, That the Board desired the House would Reconsider their Vote on the said Roll, so far as it affected or related to the Wages of the Four Men born thereon, said to be at Mr. *Parsons's*; and that the said Mr. *Parsons* was attending to support what he had set forth in the said Memorial. Read, and the House having taken the same into Consideration: *Resolved*, That one Months Wages and Subsistence, amounting to *l. 3 4 s.* be deducted from *Enoch Southwell*, for his Absence, and that the remaining Sum, viz. *Twenty three pounds Eighteen shillings and nine pence*, be Allowed and Paid out of the Publick Treasury for the Wages and Subsistence of the said Four Men, to Capt. *Samuel Wright*, to be by him paid to the Men respectively, and the Persons that Subsisted them, in full.

Sent up for Concurrence.

A Petition of *Arthur Noble*, shewing, That he was an Ensign in the Company under the Command of Capt. *Samuel Jordan*, from *November 1724.* to *May 1725.* and did Duty accordingly, but by a Mistake he was tack't to Col. *Westbrookes* Roll, and so reduced to Centinels pay, whereby the Sum of *l. 4 6 s, 8 d.* was

struck off from his Wages, which he thinks he is justly Entitled to; praying, he may be Allowed to receive the said Sum out of the Publick Treasury, for the reasons therein given.

Read, and Committed to the Committee for Muster-Rolls. [ 61 ]

A Petition of *William Coyne*, praying, he may be Allowed to receive 40 s. out of the Publick Treasury, for his Service as Clerk to Col. *Thomas Westbrooke*, for the reasons therein given.

Read, and Committed to the Committee for Muster-Rolls.

A Petition of *Latimer Waters*, *George Bethune*, and *Mary* his Wife, (which said *Latimer* and *Mary* are the two only Children of *Elizabeth Waters* Deceased, who was the Daughter of *Christopher Latimer*, late of *Marblehead* also Deceased) *Anne Peddrick*, Widow of *Norden Peddrick*, and Guardian to his three Children, and *Mary Peddrick* Spinster, which said *Norden* and *Mary Peddrick* were two of the Children of *Susanna Peddrick* Deceased, who was the other Daughter of the said *Christopher Latimer*, shewing, That the said *Christopher Latimer*, in and by his Last Will gave his Housing and Lands to his three Daughters (Grand-Children of his Father *Pitts*) viz. *Jane Norden*, *Elizabeth Waters* and *Susanna Peddrick*, to be equally divided, part and part alike, to the three afore-said Daughters and the Heirs of their Bodys, in Fee Taile for ever; the said Estate consisting of several small pieces of Land in *Marblehead*, which are incapable of being divided among the Children and Heirs of the said three Daughters (who are all Deceased) without spoiling the whole, and at present indeed fetches nothing at all; praying, that the Entail made by the said *Christopher Latimer*, on the said Lands may be cut off, and that the said *Latimer Waters*, *George* and *Mary Bethune*, may be allowed absolutely to Sell their Right, and that *Anne Peddrick*, Guardian as aforesaid, and the said *Mary Peddrick* may be allowed to Sell their Right in the said Estate, that the Purchasers may have the same in Fee Simple, for the Reasons mentioned in the Petition. Brought down by *Thomas Hutchinson Esq*; Pass'd in Council, viz. In Council, *December 8th. 1725.*

Read, and in Answer to the Petition of *Latimer Waters*, *George Bethune* and others, It is Ordered, That the part or proportion of *Anne Peddrick*, one of the Petitioners in the Estate of her late Husband's Grand-Father *Christopher Latimer* Deceased, be Appriz'd by Persons upon Oath, to be appointed by the Judge of Probate for the County of *Essex*, and that she be fully impowred to pass an absolute Deed for the same unto *Latimer Waters*, and *George Bethune* (if they see cause to accept the same) but if they Refuse then to the Highest Bidder, and upon the Sale thereof the Money to be put out to Interest, upon good Security, the Annual Income whereof to be improved by the said *Anne Peddrick* for the necessary Support of her Self and her three Children, the said *Anne* giving Security to the Judge of Probate aforesaid, that the Principal shall be paid to the Children of the said *Norden Peddrick*, in proportion as the



Law directs, as they arrive to full Age or are Married; the said *Anne* to have no power of Lessening the Principal without Special Leave obtained from the Governour and Council: And it is further *Ordered*, That the Judge of Probate for said County of *Essex*, be impowred to make out a Warrant to Five Freeholders as the Law directs, to make an equal Division of the Remainder of the Real Estate of the said *Christopher Latimer* Deceased, and Entailed by his Will, into such parts and parcels as that the rest of the Petitioners may know, and the better improve their Respective and Seperate parts of the said Estate.

Sent down for Concurrence. Read and Concur'd.

A Petition of *John Wintworth, William Wheeler, Samuel Hartwell, Benjamin Sherman* and *Silas Crane*, Inhabitants of *Punkapaug*, praying they may have the allowance of this Court, to purchase of *Amos Ahauton* and others, Indian Proprietors of Lands in *Punkapaug*, Five Hundred Acres of Land (not including any of the Lands under the Actual Improvement of the said Indians) being part of a greater Quantity which the said Indians have never Leased, or otherwise Conveyed, but have a good Indian Right to, that the Sale may be under the Regulation of a Committee of this Court, at the Cost and Charge of the Petitioners, for the Reasons mentioned in the Petition; which Petition was Accompanied with an other Petition of the said *Amos Ahauton* & others, the Indian Proprietors, praying, That they may be allowed to Sell the said Five Hundred Acres to the said Petitioners. Read, and *Ordered*, That the prayer of the Petition be Granted, and that the Petitioners be impowred to purchase the said Five Hundred [62] Acres of Land accordingly, and that *Nathaniel Byfield, Paul Dudley, Jonathan Remington, John Quincy* and *Ebenezer Stone* Esqrs; the Committee for managing and Regulating the Indian Affairs at *Punkapaug*, be desired and directed to see Justice done to the Indians in the Sale of the said Land, at the Charge of the Petitioners accordingly. Sent up for Concurrence.

A Petition of Ensign *James Woodside*, shewing, That in 1721. he supplied one half of Col *Harmans* Company with the use of Kittles, Axes, Pots, Frying-pans, &c. and since that to this time he has also supplied the Garrison at *Maquoit*, of which he was then and now is in Command with the like Necessaries. Certified by Col. *Harman*, praying for such allowance therefor as to the Court shall seem meet. Read, and the Question was put, *Whether any allowance shall be made the Petitioner for said Service out of the Publick Treasury?*

It pass'd in the Negative.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

# VOTES

## Of the House of Representatives.

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*Jobis Die 9. Decembris, A. D. 1725.*

A Receipt being laid on the Table, Signed *Joseph Cross*, for *l. 30 17 s. 8 d.* he received of *Col. Johnson Harman*, for so much the said *Harman* received of the Treasurer, as Wages due to the said *Cross*, for which an Estople is laid on *Col. Harman's* Wages conditionally; *Resolved*, That the said Sum of *Thirty pounds seventeen shillings and eight pence* be no longer stop'd from the said *Col. Harman*, but that the Treasurer be directed to pay it him, being stop'd from his Wages on his Muster-Roll presented to the Court in their present Session.

Sent up for Concurrence.

*Col. Stoddard* from the Committee for Petitions, Reported,

On the Petition of *Lieut. Joseph Dimmock*, praying, as Entred the 7th. Current. Which was Read and Accepted, and in Answer to the said Petition, *Resolved*, That the Sum of *Fifteen Pounds* be Allowed and Paid out of the Publick Treasury, to *Lieut. Joseph Dimmock*, the Petitioner. Sent up for Concurrence.

On the Accompt of *Edward Eveleth*, as Entred the 3 d. which was Read and Accepted, and *Resolved*, That the Sum of *Eleven Pounds Four shillings & Eleven pence* be Allowed and Paid out of the Publick Treasury, to *John Wainwright Esq;* to be by him paid to those to whom it is respectively due, in full discharge of the within Accompt. Sent up for Concurrence.

*Mr. Lewis* from the Committee for Muster-Rolls, Reported,

On the Accompt of *Capt. John Penhallow*, as Entred the 6th. Which was Read and Accepted, and *Resolved*, That the Sum of *Fourteen Pounds Fifteen shillings and Eleven pence* be Allowed and Paid out of the Publick Treasury, to *Capt. John Penhallow*, in full discharge of this Accompt. Sent up for Concurrence.

On the Muster-Roll of the Company of Voluntiers in His Majesty's Service, under the Command of *Capt Benjamin Wright*, as Entred the 7th. Which was Read and Accepted, and *Resolved*, That the Wages thereof be Allowed and Paid out of the Publick Treasury, agreeable to the said Report. Sent up for Concurrence.

*Ordered*, That *Timothy Lindall*, *Jonathan Remington*, *John Stoddard*, *John Quincy*, Esqrs; and *Mr. Ezekiel Lewis*, be a Committee to project and prepare a proper Bill, to prevent any Settlements on the Frontiers East and West, without Licence first had and obtained from this Court, and make Report thereon as soon as may be.

Col *Stoddard* from the Committee for Petitions, Reported on the Memorial of *Samuel Tyley* and *Benjamin Rolfe*, as Entred the 1st. Currant. The Committee are of Opinion, That the Articles of *l. 8 6 s. of l. 5 19 s 6 d.* and of *l. 2 15 s.* Amounting to *l. 17 6 d.* be paid out of the Publick Treasury to Messieurs *Samuel Tyley* and *Benjamin Rolfe*, in full of the within Petition and Accompt, (upon their paying the within mentioned *Fifty Pounds* into the Treasury) to be by them paid to those respectively to whom it is due. Read and Accepted, and *Resolved*, That the Sum of *Seventeen Pounds* and *Six Pence* be Allowed & Paid out of the Publick Treasury to the said *Samuel Tyley* and *Benjamin Rolfe*, in full of their Accompt, upon their paying the within mentioned *Fifty Pounds* into the Treasury, agreeable to the above Report. Sent up for Concurrence. [ 64 ]

### Post Meridiem.

A Muster-Roll of the Company in His Majesty's Service under the Command of Lieut. *Edward Southworth*.

Read, and Committed to the Committee for Muster-Rolls.

A Petition of *Jeremiah Hows*, praying, he may be Allowed to receive Lieutenants pay out of the Publick Treasury, from the 14th of *July* last, for the reasons therein mentioned, he having been made up to that time and no longer in Capt. *Richard Bourn's* Roll.

Read, and Committed to the Committee for Muster-Rolls.

A Petition of the Inhabitants of the East Precinct in *Taunton, North Purchase*, praying, That the said Precinct may be Erected into a separate and distinct Township for the Reasons therein mentioned. Read, and *Ordered*, That the prayer of the Petition be granted, and that the Petitioners have leave to bring in a Bill accordingly.

Sent up for Concurrence.

*Paul Dudley* Esq; brought down the Report of the Committee appointed on a Petition of the Westerly part of the Old or First Parish in *Newbury*, view the Scituation of the Petitioners, as well as the other part of the First Parish, especially where the Middle or Dividing Line is proposed to be made, &c. Signed *Samuel Thaxter*, &c. Pass'd in Council, viz. In Council, *December* 9th. 1725.

Read and *Ordered*, That this Report be Accepted. Sent down for Concurrence.

Read, and Concur'd with the Amendments. Sent up for Concurrence.

An Engross'd Bill, Entitled, *An Act for Repealing an Act, Entitled, An Act for Relief and Release of Poor Prisoners for Debt.*

Read, and *Resolved*, That the Bill pass to be Enacted.

A Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Dominicus Jordan*. Read, and Committed to the Committee for Muster-Rolls.

A Petition of sundry of the Inhabitants of the Town of *Framingham*, dwelling in the Northwardly or North-Westerly part of the said Town; praying, That the Meeting-House which the said Town have Voted to be built, may be set in the Middle or Center of the Town, and not in the place where the Old Meeting-House stands, which is In One Corner of the Town; and that a Committee may be appointed by this Court, at the Charge of the Petitioners, to repair to *Framingham*, Consider the Circumstances of the Town, and view the Scituation as well of the Place where the New Meeting-House is designed to be Erected, as that proposed by the Petitioners for building one in the Center of the Town, and Report thereon. Pass'd in Council, *viz.* In Council, *December 7th.*

1725. Read and Ordered, That the prayer of the Petition be granted, and that *Jonathan Dowse* and *Spencer Phipps*, Esqrs; with such as the Honourable House shall appoint be a Committee for the Affair within mentioned.

The Petitioners to bear the Charge of the Committee, and to give seasonable Notice to the other Inhabitants of the Town, that they may be likewise heard; and that the Committee make Report to this Court at their next *May* Session. Sent down for Concurrence.

Read, together with the Answer of Capt. *Edward Goddard* thereon, and Concur'd with the Amendment, *viz. Dele,* — at the next *May* Session — and add — on Friday the Seventeenth of *December*, Currant. And Ordered, That Capt. *William Wilson*, Mr. *Edward White*, and *Jonas Bond* Esq; be joyned with the Committee of the Board for the Affair. Sent up for Concurrence.

*Thomas Hutchinson* Esq; brought down a Bill, Entitled, *An Act in Addition to an Act Enabling Sheriffs and Constables to Require Aid, &c. made in the Tenth Year of the Reign of the late King William.* Pass'd in Council, *viz.* In Council.

Read Three several Times, and pass'd to be Engross'd. Sent down for Concurrence.

Read a first Time.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock. [ 65 ]

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Veneris Die 10. Decembris, A. D. 1725.

MR. *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of the Company under the Command of Lieut. *Edward Southworth*, as Entred Yesterday. Which was Read and Accepted, and Resolved, That the Wages thereof be Allowed and Paid out of the Publick Treasury, agreeable to the said Report

Sent up for Concurrence.

On the Petition of *William Coyne*, as Entred the 8th. The Committee finding upon Examination that the Petitioner *William Coyne*, served as a Clerk five



Weeks and three Days, for which time he was paid only as a Centinel, are of Opinion, That 18 s. 2 d. be allowed and paid out of the Publick Treasury to the said *William Coyne*, in full of this Petition. Read and Accepted, and Resolved, That the Sum of *Eighteen shillings and two pence* be allowed and paid out of the Publick Treasury to the Petitioner *William Coyne*, in full for the Service within mentioned.

Sent up for Concurrence.

*John Clarke* and *Thomas Hutchinson* Esqrs; brought down the Vote of the House of the 30th. of *November*, Respecting the Bill for Regulating Trade and Places for Supplying the Indians with Necessaries, &c. Pass'd in Council, viz In Council, *December 9th 1725*. Read and Non Concur'd, and Voted, That His Honour the Lieut. Governour be desired to direct the Commissioners to inquire of the Indian Delegates, whether the Houses at *St. Georges* and *Richmond* are suitable Places for carrying on the Trade with the Indians. Sent down for Concurrence.

Read and Non-Concur'd, *Nemine Contradicente*.

A Bill Entitled, *An Act in Addition to an Act*, Entitled, *An Act Enabling Sheriffs and Constables, to Require Aid &c. Made in the Tenth Year of the Reign of the late King William*. Read a second time.

Voted, That the Pay and Subsistence of the Men allowed by this Court at *Richmond Garrison*, and the Block House on *St. Georges River*, be further Continued at the said Houses, untill the sitting of this Court in *May* next.

Sent up for Concurrence.

*Melatih Bourn* Esq; brought down the Petition of *Joseph Peter* and *Bethiah* his Wife, with the Vote of the House thereon as Entred the 1st. Currant. Pass'd in Council, viz. In Council, *December 6th. 1725*. Read and Non-Concur'd, and Ordered, That this Petition be Referred to the Consideration of the Justices of the County of *Plymouth*, at their next General Sessions, and that they be desired to send for the Petitioners, and upon due Examination of their Circumstances, Report to this Court, Whether they judge it necessary that the Land mentioned in the Petition should be Sold.

Sent down for Concurrence. Read and Concur'd.

*Symonds Epes* Esq; brought down the following Vote of Council, viz. In Council, *December 9th. 1725*. Ordered, That Mr. *Stephen Barker*, a Principal Inhabitant of the Town of *Methuen*, be and hereby is impowred and directed, to Notife & Summon the Inhabitants of the said Town duly qualified for Voters, to Assemble and Meet some time in the Month of *March* next, to choose Town Officers according to Law, to stand for the Year. Sent down for Concurrence. Read and Concur'd.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Accompt of Dr. *John Sawyer*, as Entred the 7th. Which was Read and Accepted, and

*Resolved*, That the Sum of *Eight pounds six shillings*, be allowed and paid out of the Publick Treasury to the Accomptant *John Sawyer*, in full discharge of the within Accompt.

Sent up for Concurrence. [ 66 ]

An Accompt of *John Fosdick*, for sundry Repairs for Hooks, Hinges, &c. for the Province House, amounting to *l. 3 1 s. 3 d.* Certified by Mr. Sheriff *Winslow*. Read and *Resolved*, That the Sum of *Three pounds one shilling and three pence*, be allowed and paid out of the Publick Treasury to the Accomptant *John Fosdick*, in full discharge thereof. Sent up for Concurrence.

Col. *Stoddard* from the Committee for Petitions, Reported, On the Accompt of Dr. *Henry Blaisdale*, as Entred the 18th ult. Which was Read and Accepted, and *Resolved*, That the Sum of *Eleven pounds fourteen shillings and ten pence*, be allowed and paid out of the Publick Treasury to Dr. *Henry Blaisdale*, in full Discharge of the within Accompt. Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Muster-Roll of the Company in His Majesty's Service under the Command of Capt. *Dominicus Jordan*, as Entred Yesterday, the Committee having Examined the same find it Right Cast and Vouch'd by the Oath of *Edmund Mountfort*, &c. but in as much as *Joseph Quassen* who Kill'd his Fellow Soldier, &c. and his Wages said to be due to him is *26 s. 9 d.* are of Opinion that be detained in the Treasury, and the Remaining Sum *viz. l. 185 9 d.* be allowed and paid to the Soldiers born on this Roll Respectively, except the 21 Indians whose Wages we are of Opinion be paid to Mr. *John Paine*, and Mr. *Ezra Bourn*, or either of them, and they to pay the same to whom it is Respectively due; and whereas *Joseph Twenash* an Indian, is returned a Deserter and with a Province Gun, and but *10 s.* due to him on this Roll, that they take care to pay the Province Treasurer, if so much be due to said *Twenash*, on Capt. *Bourn's* Roll, if they have or shall Receive the same. Read and Accepted and *Resolved*, That the Sum of *One Hundred Eighty five pounds and nine pence*, be allowed and paid out of the Publick Treasury to Messieurs *John Paine* and *Ezra Bourn* or either of them, to be by them or either of them paid to whom it is Respectively due, in full discharge of the Wages thereof, and that the said *Paine* and *Bourn* take care to pay *Forty shillings* into the Treasury out of *Joseph Twenash's* Wages on Capt. *Bourn's* Roll, if so much is due to him thereon, for a Gun belonging to the Province which he received and has not returned.

Sent up for Concurrence.

*Edward Hutchinson Esq;* brought down the Petition of the North-Westwardly part of the Town of *Framingham*, with the Vote of the House thereon, as Entred Yesterday. Pass'd in Council, *viz.* In Council, *December 10th. 1725.* Read and Non-concur'd, and the Board adhere to their Vote, and further Ordered,

That the Inhabitants of *Framingham* desist from Erecting their Meeting House, till the further Order of this Court.

Sent down for Concurrence. Read and Non-concur'd, and the House adhere to their own Vote.

### Post Meridiem.

*Thomas Hutchinson* Esq; brought down the Petition of the Proprietors of the Common and Undivided Lands of *Dunstable*, Signed *Henry Farwell*, *Samuel French* and *Joseph French*, with the Vote of the House thereon, as Entred the 7th. Pass'd in Council, viz. In Council, *December 10th. 1725.* Read, together with the Answer of *Col. Tyng*, and the same being fully considered, Ordered, That the Petitioners be admitted to a new Tryal at the Inferiour Court of Common Pleas for the County of *Middlesex*, to be Held in *March* next, and that Execution be stayed in the mean time, the Costs to remain as they are: Any Law Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. Read and Concur'd.

*Mr. Lewis* from the Committee for Muster-Rolls, Reported, On the Petition of *Arthur Noble*, as Entred the 8th. Which was Read and Accepted, and Voted, That the Petition be Dismiss'd accordingly.

Sundry Accompts of *Mr. Westwood Cooke*, Representative of the Town of *Hadley*, for sundry Scouts and other Services done in the Town of *Hadley*, and else where, in the County of *Hampshire*, amounting to *l. 6 18 s.* Read and the Question was put, *Whether the said Sum shall be allowed and paid out of the Publick Treasury?*

It pass'd in the Negative. [ 67 ]

An Accompt of *John Preston* of *Hadley*, for Ferrying sundry Soldiers in His Majesty's Service in *Hadley*, Anno 1725. Amounting to *10 s. 6 d.* Read and Resolved, That the Sum of *Ten Shillings* and *Six pence* be allowed and paid out of the Publick Treasury to *Mr Westwood Cooke*, to be by him paid to the Accountant *John Preston*, in full discharge of the within Accompt. Sent up for Concurrence.

*Thomas Palmer* Esq; brought down the Petition of the North-Westwardly part of *Framingham*, with the Votes of both Houses thereon, sent up this afternoon.

Pass'd in Council, viz. In Council, *December 10th. 1725.* Read, and the Question was put, *Whether the Board will re-consider their Vote abovesaid?* And it pass'd in the Affirmative. And upon further Debate, Voted a Concurrence with the Honourable House; and that *Samuel Thaxter* and *Spencer Phipps* Esqrs; be the Committee of the Board, in the room of *Jonathan Dowse* and *Ebenezer Stone* Esqrs; Sent down for Concurrence.

Read and Concur'd.

A Bill, Entitled *An Act in Addition to an Act, Entitled, An Act Enabling Sheriffs and Constables to Require Aid &c. made in the Tenth Year of the Reign of the late King William.*

Read a Third Time, and Voted a Concurrence with the Honourable Board.

Sent up.

*Penn Townsend* and *Addington Davenport* Esqrs; brought down the Vote of the House of the 8th for furnishing the Indians with a supply for the present by Trade. Pass'd in Council, viz. In Council, December 10th 1725. Read and Concur'd with the Amendment, viz. after the Vote of the House, — *add* — And that what shall remain of the said Goods after the Indians are supplied, shall be lodged at the *Block House* at *St. Georges*, under the care of the said *Mountfort*, the Indians to be Notified thereof, that they may be there supplied, as they have Occasion, and that the Lieut. Governour be desired from time to time, with the Advice of the Council, to send a supply of such Goods as the Necessities of the Indians shall demand, in the Recess of the Court.

Sent down for Concurrence.

Read and Concur'd with the Amendments, viz. between the words *St. Georges*, — and — under the Care — *add* — until the sitting of this Court in *May* next, — *Dele* from — And that the Lieutenant Governour, &c. — *and add* — and if the Necessities of the Indians require a further supply before the Session of this Court in *May* next; that the Lieut. Governour be desired, with the Advice of the Council to direct the Treasurer to send Supplies accordingly, not exceeding in Value the Sum of *Seven Hundred Pounds*. Sent up for Concurrence.

Ordered, That Mr. *Bunker* go up to the Honourable Board with a Message, to desire they would send down the Report of the Committee for drawing Heads of a Bill for Regulating Trade with the Eastern *Indians*.

*John Clark* Esq; brought down the said Report.

A Petition of *Robert Thompson*, shewing, That he was a Soldier in the Service of this Province late under the Command of Col. *Shadrach Walton*, that for the last Two Months he was in the Service, he was Casually Omitted in the Muster-Roll; praying, he may have the Allowance for that Time now made him, for the Reasons mentioned.

Read, and Committed to the Committee for Muster-Rolls.

An Accompt of Col. *Eleazer Tyng*, Amounting to 36 s. for the Funeral Expence of *Isaac*, one of the *Maquois*, who died in the Service of the Province. Read, and Resolved, That the Sum of *Thirty six shillings* be allowed and paid out of the Publick Treasury to *Eleazer Tyng* Esq; in full discharge of said Accompt.

Sent up for Concurrence.



A Petition of *Thomas Clark*, shewing, That he Served as a Soldier in the Service of this Province under the Command of Capt. *William Canada*, at *St. Georges*, from *January 28th* to *25th of March* last, for which time he has not been born on any Roll; praying he may be allowed his Wages for said Service.

Read, and Committed to the Committee for Muster-Rolls. [ 68 ]

Ordered, That Mr. Speaker, Mr. *Lewis*, Col. *Stoddard*, Mr. *Lindall* and Mr. *Shove*, be a Committee to project and prepare a proper Bill for Regulating Trade and Commerce with the *Indians*, and Report thereon as soon as may be.

Col. *Stoddard* from the Committee for Petitions, Reported on the Petition of *John Akin*, *Philip Tabor* and *Jacob Taber*, Select-men and Assessors of the Town of *Dartmouth*, as Entred the 3 d. Which was Read and Accepted, and thereupon the following Vote pass'd, viz.

*Whereas the General Court at their several Sessions, Annis 1720. 1722, 1723. and 1724. did for the discharge of the Debts of the Province, Order Emissions of divers considerable Sums in Publick Bills of Credit, and by their Resolves did Order that the Duties of Impost, Excise, &c. should be Funds for Repayment and Drawing in said Bills, and for a further Security for Repayment of part of the said Sums, There were granted unto His Most Excellent Majesty, by said Resolves several Taxes on Polls and Estates, to be proportioned on the several Towns within this Province, at the Session of this Court in May 1725. Amounting in the whole to l. 29666 13 s. 4 d. Accordingly this Court at their Session in May last, computing that the Sum of l. 9666 13 s. 4 d. part of the Sum of l. 29666 13 s. 4 d. would be brought in by the Duties of Impost, &c and that the Sum of l. 20,000, would remain to be drawn in by a Tax on Polls and Estates; Thereupon they proceeded to make a Law for the Raising and Collecting the Said Sum of l. 20,000, only, and to proportion said Sum to the Several Towns within this Province, according to the known Ability of each Town.*

AND Inasmuch as divers Towns greatly distressed either by Uncommon Sickness, or the Calamities of War, were thought incapable to pay what was formerly accounted their proportion, such Towns were Abated either in whole or in part; which Sums so Abated were Raised on many other Towns, as is usually practised in such like Cases; and part thereof was added to the Town of *Dartmouth*, to make their Tax proportionable to their Neighbours, that being a prosperous and flourishing Town, without any Intention that any part thereof should be applyed to the Support of a Minister amongst them, as their Select-men do in their Petition unreasonably Suggest; and although the Court are ready to do them Justice and would Cheerfully Abate them, if they now had, or should hereafter make a Satisfactory proof, that they have been over Rated; Yet inasmuch as they have not so much as rendred the Matter probable, but only Suggested it.

Voted, That the Petition be dismissed.

Sent up for Concurrence.

An Accompt of the Commissioners of the *l.* 100,000 Loan, for the County of *Barnstable*, from *February* 13th. 1723, 4. to *February* 13th. 1724, 5.

Read, and Committed to the Committee for that Service appointed.

A Petition of *Benjamin Larrabee* Serjeant; at His Majesty's Castle *William*; praying, That Serjeants pay may be allowed him for his Service there, for the Reasons therein mentioned. Read, and Committed to the Committee for Muster-Rolls.

A Petition of *John West*, *James Wheeler*, and sundry others, Inhabitants of the Town of *Rehoboth*, called *Baptists*; praying, That they may be Exempted from the payment of any Ministerial Maintenance but their own, for the Reasons mentioned in the Petition. Read, and Referred to the next *May* Session for further Consideration, and that the Representative of the Town of *Rehoboth* Notifie the said Town hereof.

Mr. Agent *Cooke* was Admitted into the House, and acquainted Mr. Speaker and the House, That the Ship he came in from *London* was not as yet come up into the Harbour, That his Papers were on Board; And as soon as the Ship was come up, he should wait on the House again, and give a full and particular Account of his Proceedings and Transactions in the Agency he was sent to the Court of *Great Britain* upon, and then he withdrew. [ 69 ]

A Petition of *Samuel Prince*, of *Middleborough*, in the County of *Plymouth* Esq; shewing, That he took a Bond from *Lemuel Little* since Deceased, and *Isaac Little* of *Marshfield*, Esq; wherein they became bound to him joyntly in the penalty of *l.* 800 conditioned for the Payment of *l.* 400 &c. which said Bond the Petitioner put in Suit at the Inferiour Court of Common Pleas held at *Plymouth*, for the County of *Plymouth*, in *March* 1724. against the said *Isaac Little*, and against one *John Sanderson*, and *Jane* his Wife, which *Isaac* and *Jane* are Executors of the Testament of the said *Lemuel Little* Deceased, but the Writ is so worded by the Petitioners Attorney, that it cannot well be said, whether the Action be brought against the said *Lemuel's* Executors, or against the said *Isaac Little* also in his own Right, however Judgment was made only against the said Executors at the Superiour Court held at *Plymouth* in *April* last, and Execution Issued out against the Goods, Chattels, or Lands of the said *Lemuel Little*, in the hands of the said Executors for *l.* 285 15 s. and Costs whereby the Petitioner has lost the Benefit of the said *Isaac Little's* being bound, because neither his Person nor Estate are liable to the said Execution, nor can the Petitioner (as he conceives) extend the said Execution upon the Lands of the said *Lemuel*, so as to make him a good Title; praying, That he may have the said Bond delivered him out of the Inferiour Courts Office, to Sue the said *Isaac Little* thereupon, and that the Judgment of the Superiour Court may be Reversed for the Reasons mentioned. Pass'd in Council *viz.* In Council, *Decem-*

ber 10th 1725. Read and *Ordered*, That the Petitioner serve the said *Isaac Little* with a Copy of the Petition; and that he give in his Answer thereto (if he thinks fit) upon Friday the 17th Instant.

Sent down for Concurrence. Read and Concur'd.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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**Sabbati Die 11. Decembris, A. D. 1725.**

**C**OL *Stoddard* from the Committee for Petitions, Reported, On the Petition and Accompt of *David Melvil*, for keeping sundry Indian Prisoners in His Majesty's Goal in *Boston*, praying as Entred the 1st. Currant Which was Read and Accepted, and *Resolved*, That the Sum of *Eighty five pounds eighteen shillings and five pence*, be allowed and paid out of the Publick Treasury to the Petitioner and Accomptant *David Melvil*, in full of this and all other Accompts of Charge and Expence, &c. of the said *David Melvil* on any of the Indian Prisoners or Captives.

Sent up for Concurrence.

A Petition of *John Malcolm*, shewing, That in the Service of this Province Anno 1724. he then being a Soldier under the Command of Capt. *Joshua Moody*, he was so disabled & maimed by a Barrel of Pork falling upon one of his Leggs, that he is thereby rendred incapable of providing for himself and Family, praying for such Relief in the Premises, as to the Wisdom and Justice of this Court shall seem meet.

Read, and Committed to the Committee for Muster-Rolls.

*Resolved*, That the Sum of *Fifteen pounds* be allowed and paid out of the Publick Treasury to Capt. *James Grant*, for his Services in Enlisting three Companies of Voluntiers under his Command the Summer past, viz. *Five pounds* for each Enlistment of the Voluntiers, and that the further Sum of *Seventy five pounds* be allowed and paid out of the Publick Treasury to the said Capt. *James Grant*, to be by him repaid to the Voluntiers that Enlisted under him, viz. *Ten shillings* to each Voluntier upon their several Enlistments. Sent up for Concurrence

A Bill Entitled, *An Act for Allowing Necessary Supplies to the Eastern Indians, and for Regulating Trade with them, and for the Repealing An Act*, Entitled, *An Act to prohibit Trade and Commerce with the Eastern Indians, Made and Pass'd in the Eighth Year of His Present Majesties Reign.*

Read three several times and pass'd to be Engross'd.

Sent up for Concurrence.

With a Message to desire His Honour would please to Order the proper Instruments for the Establishing the Peace with the Eastern Indians to be Executed as soon as may be. [ 70 ]

A Petition of Ensign *James Woodside*, praying, as Entred the 8th. Currant. Read again, with the Vote of the House thereon, and upon a Motion made, the Question was put, *Whether the House would Re-consider their said Vote?*

Resolved in the Affirmative. And,

*Voted*, That the Petition be Committed to the Committee for Petitions.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Petition of *Jeremiah Howes*, praying, as Entred the 9th. Currant. The Committee upon Inquiry finding that the Petitioner *Jeremiah Howes*, has been at Home upon his own Affairs, and not in the Publick Service as his Petition insinuates, the whole of the time mentioned in the Petition for pay, except two Months, are of Opinion that only two Months pay, *viz.* 18 be allowed and paid out of the Publick Treasury to the said *Jeremiah Howes*, in full of this Petition. Read and Accepted, and *Resolved*, That the Sum of *Eight pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Jeremiah Howes*, in full Satisfaction of his Services within mentioned.

Sent up for Concurrence.

On the Petition of *Thomas Clark*, as Entred Yesterday. Which was Read and Accepted, and *Resolved*, That the Sum of *Four pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Thomas Clark*, in full discharge of the Wages within mentioned. Sent up for Concurrence.

On the Petition of Serjeant *Benjamin Larrabee*, as Entred Yesterday. Which was Read and Accepted, and *Resolved*, That the Sum of *Fifty eight shillings* be allowed and paid out of the Publick Treasury to *Benjamin Larrabee*, in full Satisfaction of the Wages within mentioned. Sent up for Concurrence.

Mr. *Clark* from the Committee for that Service appointed, Reported, On the Petition of *Richard Mullen*, a Soldier in the Service of the Province, as Entred the 8th. Which was Read and Accepted and *Voted*, That the Petition be Dismiss'd.

A Petition of *James Denney*, shewing, That his Brother *Robert Denney*, a Soldier late in the Service of this Province under the Command of Capt. *John Grey*, was Slain by the Indians at Fort *George* in *May* last, and that he had some Wages due to him for his Service when he was Slain, praying, That he may be allowed to Receive the same out of the Publick Treasury, for the Reasons therein mentioned.

Read, and the Question was put, *Whether the prayer of the Petition shall be Granted?*

It pass'd in the Negative.

*Spencer Phipps* Esq; brought down the Petition of *Samuel Squire* and *Daniel Squire*, of *Cambridge*, praying, as Entred the 23d. ult. Pass'd in Council, *viz.* In Council, *December 10th. 1725.* Read and *Ordered*, That this Petition be Dismiss'd.

Sent down for Concurrence.

Read and Concur'd.



A Petition of *Daniel Elithrop*, shewing, That he did the Duty of a Serjeant at the Block House at St. *Georges* among the Forces there, and also Officiated in delivering out the Stores there, as by the Certificates to the Petition annexed appears, but in making up the Roll of the Soldiers at the said Block-House he was reduced to Centinels, pay, whereby he is cut off from the Sum of *l. 8 14 s. 10 d.* praying, That the said Sum may be allowed him out of the Publick Treasury, for the Reasons therein mentioned. Read and *Resolved*, That the Sum of *Eight pounds fourteen shillings and ten pence* be allowed and paid out of the Publick Treasury to the Petitioner *Daniel Elithrop*, in Answer to this Petition.

Sent up for Concurrence.

Then the House Adjourn'd till Monday next Three a-Clock Afternoon.

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B O S T O N : Printed by *B. Green* and *S. Kneeland*,  
Printers to the Honourable House of Representatives. 1725. [ 71 ]

# VOTES

## Of the House of Representatives.

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Lunæ Die 13. Decembris, A. D. 1725.

**E**lisha Cooke Esq brought down the Report of the Committee of both Houses, Appointed, to look out some suitable and safe Place (for Removal in case of Fire) for the Rolls of the Acts in Parchment, and under the Province Seal, and the Plats of Lands Granted by the General Assembly, to be lodged in: Signed *Addington Davenport*, in the Name of the Committee. Pass'd in Council, viz. In Council, *December 10th 1725*. Read and Ordered, That this Report be accepted, saving the last Article respecting two Keys.

Sent down for Concurrence. Read and Concur'd.

*Paul Dudley*, Esq; brought down a Bill Entitled, *An Act for Dividing Taunton North-Purchase so called, in the Township of Norton, and Erecting a New Town in the Easterly half thereof, by the Name of* Pass'd in Council, viz. In Council, Read on three several Days and pass'd to be Engross'd.

Sent down for Concurrence. Read a first time.

Upon a Motion made by several Members, the Question was put, *Whether the House would Re-consider their Vote of the 7th Currant for Payment of the Subsistence of the Forces born on the Roll of Serjeant Joseph Knowlton?*

Resolved in the Affirmative.

And further *Resolved*, That the Subsistence due by the said Roll be allowed and paid out of the Publick Treasury to Capt. *Henry Dwight*, to be by him repaid to the Person or Persons to whom the same is Respectively due, in full discharge thereof, the Votes of the House Pass'd on said Roll notwithstanding.

Sent up for Concurrence.

A Petition of *James Mc. Faden*, shewing, That in the Month of *December, 1723*. he being then a Soldier in the Service of this Province, was Captivated by the Indian Enemy nigh the Block House at *St. Georges*, that he remained a Captive till *November* last, when Mr. *Joseph Bissel*, advanced *Seventeen pounds* for his Redemption, praying, That the said Sum of *Seventeen pounds*, may be allowed him out of the Publick Treasury, for the Reasons therein mentioned.

Read and Committed to the Committee for Petitions.

*Ordered*, That Mr. *Lewis*, Col. *Stoddard*, Capt. *Rolfe*, Mr. *Choate*, Capt. *Warren* and Mr. *Bunker*, go up with a Message to His Honour the Lieut. Governour and the Honourable Board, to acquaint them that it is the earnest desire of this House, that the Articles of Peace, and the other Affairs respecting the Indians, may be Expedited with all dispatch, that so the Indian Delegates

(who have Expressed their Earnestness to return home) may be sent home accordingly.

A Petition of *Samuel Wade* of *Medford*, shewing, That his Father Major *Nathaniel Wade*, by his last Will gave all his Estate to *Mercy* his Wife during Life, whom he made his Executrix, and gave her power to Sell what Lands were needful to pay his Debts, and ordered the residue of his Estate after his Wifes Decease to be disposed, as is particularly therein set forth: That in *November 1714.* the Petitioner's Mother the (Executrix) being Dead, Administration *de bonis non*, &c. was given to him, *cum Testi-[ 72 ]mento annexo*, to fulfill the same; that in the Year 1715. he Sold in Land belonging to the Estate to one *William Richardson* to the Value of *l. 320* to enable him to pay the just Debts of the said Testator; praying, That the Sale of the said Lands may be confirmed to the said *William Richardson*, and his Assigns, notwithstanding he had not leave from the Justices of the Superiour Court to Sell the same, for the Reasons therein mentioned. Pass'd in Council, *viz.* In Council, *December 13th. 1725.* Read and Ordered, That the Petitioner Serve the Adverse Parties with a Copy of this Petition, that so they may give in their Answer thereto (if they see cause) on the First Friday of the next *May* Session, and that the Action of Ejectment herein referred to be continued from Court to Court in the mean time.

Sent down for Concurrence. Read and Concur'd.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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**Martis Die 14. Decembris, A. D. 1725.**

**A** Bill Entitled, *An Act for dividing Taunton North Purchase so called, in the Township of Norton, and Erecting a New Town in the Easterly half thereof, by the Name of Easton.* Read a second time, and a third time, and Voted a Concurrence with the Honourable Board, with the Amendment.

Sent up for Concurrence.

*Nathaniel Byfield, Thomas Hutchinson* Esqrs; and Mr. Secretary *Willard*, brought down the Bill Entitled, *An Act for the allowing Necessary Supplies to the Eastern Indians, and for Regulating Trade with them, and for the Repealing the Act Entitled, An Act to prohibit Trade and Commerce with the Eastern Indians, Made and Pass'd in the Eighth Year of His Majesty's Reign.* Sent up the 11th. Currant.

Pass'd in Council, *viz.* In Council, *December 11th.* Read the 13th Read a second time, and Pass'd a Concurrence, with the Amendments. Sent up for Concurrence. Read and Concur'd, with the Amendments of the Honourable Board, as drafted into the New Bill, except the Amendments marked A. C. D, & F. which the House Non-Concur, and adhere to those Clauses in the Bill as first sent up by the House, the said Amendments with

the Non-Concurrence of the House being pointed on the New Streamer annexed to the first Bill. Sent up for Concurrence.

*Voted*, That the Committee of this Court for drafting a Bill for the Regulating Trade with the Eastern Indians, prepare and lay before them as soon as may be, Proper Instructions to be given, as well to the Persons that may be appointed to Supply the Goods &c. as the Truck-Masters, that may dispose of the same, the Committee to sit forthwith. Sent up for Concurrence.

A Petition of *Samuel Heywood* and *Christopher Page*, and sundry others, Inhabitants of this Province, praying For a Grant of a Tract of Land lying Northward from the two New Towns called *Turkey Hills*, and partly Westward of *Dunstable*, lying on both sides *Sowhegen River* in order for Erecting the same into a Township, being the contents of Eight Miles Square. Read and Referred to the next *May* Session for further Consideration.

*John Cushing* Esq; brought down a Bill Entitled, *An Act for dividing the Town of Charlestown, and Erecting a New Town there, by the Name of* Pass'd in Council, *viz.* In Council, Read three several times and pass'd to be Engross'd.

Sent down for Concurrence. Read a first time.

Mr. *Wilder*, from the Committee appointed the 7<sup>th</sup>. Currant, to Consider of and Report upon the Bill Entitled, *An Act for Encouraging the Raising of Hemp within this Province*, Reported thereon according to Order. Which was Read and Accepted, and the said Bill was Read a Third time and *Resolved*, That the same pass to be Engross'd.

Sent up for Concurrence. [ 73 ]

### Post Meridiem.

A Bill Entitled, *An Act for dividing the Town of Charlestown, and Erecting a New Town there, by the Name of* Read a second time, and a third time, and Pass'd a Concurrence with the Amendments.

Sent up for Concurrence.

*Whereas the Extending of the Settlements far into the Eastern Country, tends to create Jealousies and Uneasiness amongst the Indians Inhabiting those parts, and may endanger this and the Neighbouring Governments being again Involved in War, and Extending the Frontiers Eastward and Westward, together with the Peoples Settling in an Irregular and Indefensible Manner, will necessarily put this Province to an insupportable Charge, and render us wholly incapable to protect them in case of a Rupture with the French or Indians; which Mischiefs may well be prevented by a Gradual, Compact and Regular Settling those Lands:*

Therefore *Resolved*, That no Person or Persons whomsoever, Presume to bring forward any Settlement to the Eastward of *Falmouth* in *Casco Bay*, nor



without the Towns in the Westward Frontiers of this Province, untill the General Court be fully Satisfied, in such Clams and Titles to Lands proposed to be Setled, nor untill such Person or Persons have obtained the Leave and Approbation of the Great and General Court for their Settling, and in case any Person or Persons shall presume to Settle without Leave obtained as aforesaid, or in an Irregular and Undefensible Manner, They shall not Enjoy the Protection of the Government; and His Honour the Lieutenant Governour is desired to Issue out a Proclamation, to Notifie all Persons of this Prohibition accordingly. Sent up for Concurrence.

*Ordered*, That Mr. *Lindal*, Capt. *Came*, Mr. *Wilder* and Capt. *Wells*, be a Committee to prepare a proper Vote to be laid before His Honour the Lieutenant Governour, in order to the Reducing the Forces in the Pay and Service of this Province in the Eastern and Western Frontiers, and Report thereon.

Mr. Secretary *Willard*, brought down a Publick Letter from Mr. Agent *Dummer*, Dated, *London*, *October* 10th. 1725. Received by Capt. *Tyng*. Read,

An Accompt of *Nathaniel Dickenson*, for going Express from *Hatfield*, to Fort *Dummer*, in *July* last, being 38 Miles, Certified by Col. *Partrigg*. Read and *Resolved*, That the Sum of *Nineteen shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Nathaniel Dickenson*, in full discharge thereof.

Sent up for Concurrence.

A Petition of *Timothy Prout*, *Philip Hedman*, and *Henry Gibbon*, Merchants, in behalf of himself and as he is Administrator to the Estate of his Brother *John Gibbon*, Deceased, shewing, That at an Inferiour Court held at *Boston*, in and for the County of *Suffolk*, in *July* last, the Petitioners together with the said *John Gibbon* Recovered Judgment against *Nathaniel Mason*, of *Boston* Mariner, that he should render to them a just and true Accompt of a Cargoe, and pay them the Ballance, or in default thereof, within Ten Months they should recover of the said *Nathaniel Mason*, the Sum of *One thousand pounds*, from which Judgment he Appealed to the next Superiour Court to be then held in and for the County of *Suffolk*, but failed to prosecute his Appeal, and the Petitioners filed their Complaint at the said Superiour Court held at *Boston* aforesaid, for said County of *Suffolk*, and had Judgment affirmed, *viz.* That the said *Nathaniel Mason* should render to the Petitioners, and *John Gibbon* a just and true Accompt of his Cargoe within Ten Months from the Entring up said Judgment, or in Default thereof, that the Petitioners shall Recover against the said *Mason* the Sum of *One thousand pounds* Money, Damage and Costs of Suit, but so it was, that at the said Superiour Court the said *Nathaniel Mason* Recovered against the Petitioners in Company *l. 65 8 s. 5 d.* being for Wages due to him as he set forth, and for as much as the said *Mason* may immediately take out

Execution on his said Judgment against [ 74 ] the Petitioners for the Sum of *l. 65 8 s. 5 d.* aforesaid, and they can Reap no Benefit of their Judgment for Six Months; They therefore pray, That this Court would Order that the said *Mason* shall not take out Execution till such time as the Petitioners can have the Benefit of theirs, and that the Sum Recovered by the said *Mason*, may be deducted out of the Money for which the Petitioners have Recovered Judgment against him as aforesaid, for the Reasons therein mentioned. Brought down by *Thomas Hutchinson Esq;* Pass'd in Council, *viz.* In Council, *December 14th. 1725.*

Read and *Ordered*, That the prayer of this Petition be so far granted, as that the Execution on the Judgment obtained by *Nathaniel Mason* against the Petitioners, be and hereby is Suspended, untill such time as the Petitioners can have the Benefit of their Execution against the said *Mason*: Any Law Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. Read and Concur'd.

A Message from His Honour by *John Cushing Esq;* That His Honour desired the House would not rise presently, for that He had something of Importance to Communicate.

A Petition of *Thomas Millet*, shewing, That he lately arrived from *Rhode-Island* in the Port of *Boston*, and the Commissioner of Impost demands Powder-Money of him, as though he was a Foreign Trader; praying, That the Duty of Powder-Money may not be demanded of him, for the Reasons given.

Read, and the Question was put, *Whether the prayer of the Petition shall be granted?*

It pass'd in the Negative.

A Petition of *Ephraim Thayer, Benjamin Allen, William Bowditch, and John Bowditch*, a Committee of the Inhabitants of the Town of *Brantrey*; praying, The Authority of this Court, That a Damm which is Erected a-cross *Monoticut River*, may be demolished, for the Reasons therein mentioned.

Read, and the Question was put, *Whether the prayer of the Petition shall be granted?*

It pass'd in the Negative.

A Message from His Honour the Lieut. Governour by Mr. Secretary. Mr. Speaker, His Honour the Lieut. Governour Expects the Attendance of this Honourable House forthwith in the Council Chamber. Mr. Speaker and the House went up accordingly; and His Honour made a Speech, of which Mr. Speaker obtained a Copy; and at the same time His Honour delivered to Mr. Speaker an Explanatory CHARTER, which His Majesty has been graciously pleased to Grant to this Province, a Copy of His Majesty's Order in Council concerning the same; wherein is contained the Report of the Lords of the Committee, with His Majesty's Royal Approbation thereof; and then Mr. Speaker with the House returned to their own Chamber.

His Honour's Speech is as follows.

GENTLEMEN,

**Y**ESTERDAY I Receiv'd from His Grace the Duke of New-Castle, an Explanatory CHARTER, which His Majesty has been Graciously Pleas'd to Grant to this Province, which I shall lay before You for Your Acceptance, with which His Grace was Pleas'd to Inclose a Copy of His Majesty's Order in Council concerning the same, wherein is contain'd the Report of the Lords of the Committee with His Majesty's Royal Approbation thereof, which I shall now also deliver You; By all which You will see what His Majesty expects from You: And I hope after a due Consideration thereof you will Act as becomes You, and in all Your future Proceedings demonstrate the utmost Sense of the Duty and Loyalty which you owe to His Sacred Majesty King GEORGE.

Wm DUMMER.

Read.

The Explanatory CHARTER was Read, together with the several Papers referred to in His Honours Speech.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock. [ 75 ]

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*Mercurij Die 15. Decembris, A. D. 1725.*

**O**rdere*d*, That a Message be sent up to the Honourable Board, to inquire, What has passed on the Vote of the House, and Petition of sundry Inhabitants of this Province, for a Grant of a Tract of Land, at a Place called *Penny-Cook*, sent up the 17th of *June*, last.

*Ordered*, That a Message be sent up to the Honourable Board, to desire they would send down the Vote of the Court passed the last Session, for a New Impression of the Laws of this Province.

*John Cushing* Esq; brought down the said Vote.

A Petition of the Proprietors and Inhabitants of the South part of *Worcester*; praying, They may be enabled to lay a Tax on the divided and undivided Lands in the said South half of *Worcester*, at *One Penny Farthing per Acre*, for the Support of the Ministry there. Read and *Resolved*, That the prayer of the Petition be granted; and that the Petitioners be and hereby are fully Authorized and Impowred to lay a Tax of *One Penny Farthing per Acre* on the divided and undivided Lands in the South half of *Worcester*, for One Year, for the Support of the Ministry there.

Sent up for Concurrence.

A Petition and an Accompt of *David Melvil*, amounting to *l. 6 15 s. 8 d.* for Subsisting Twenty nine Indian Soldiers in the Service of this Province, which is so much more than their Subsistence for that time amounts to, praying, That

he may be allowed the same out of the Publick Treasury. Read, and the Question was put, *Whether the prayer of the Petition shall be granted?*

It Pass'd in the negative.

*Whereas there is now a Considerable Quantity of Goods lodged in the Hands of Col. John Schuyler, at Albany, which belongs to this Province: Resolved, That the said Col. John Schuyler, be impowred and desired to dispose of them to the best advantage, for the Use of the Province, and Remit the Proceeds of them to the Treasurer or Receiver General of this Province.*

Sent up for Concurrence.

*Nathaniel Byfield and Addington Devenport Esq; brought down the Report of the Committee of both Houses, appointed the last Session of the Court, to Inquire into and Examine the State of the College Treasury, &c. Signed by Order of the Committee, William Tailer. Pass'd in Council, viz. In Council, December 4th. 1725.*

Read and Sent down.

Read.

### Post Meridiem.

A Message from His Honour the Lieut. Governour by Mr. Secretary, *viz.*

Mr. Speaker, His Honour now Expects the *Indian* Delegates in the Council Chamber, in order to the finishing and compleating the present Treaty with them; and His Honour desires the Attendance of the House in the Council Chamber on that Occasion.

Mr. Speaker and the House went up accordingly; and they being Seated there.

The said Delegates were admitted in.

The Articles of Submission and Pacification agreed to by the said Delegates on the part of the *Penobscot, Nerridgawock, St. John's Cape-Sables*, and other Tribes of the Eastern *Indians*, within His Majesty's Territories & Dominions in North America, unto His M A J E S T Y, and with His several Governments of the *Massachusetts-Bay, New-Hampshire, Nova Scotia* and *L'Accadie, New-York, Connecticut, and Rhode-Island*, being fairly Engrossed; and after being severally and distinctly Read, and faithfully Interpreted to them by Sworn Interpreters; were Executed by them, by Signing, Sealing [ 76 ] and Delivering them to His Honour *William Dummer Esq;* on the part of all the afore-recited Governments. And also other Articles of Submission and Pacification on behalf of the *St. John's and Cape Sables Indians*, were Executed and Delivered in like manner unto Major *Paul Mascarene*, Commissioner from the Government of *Nova Scotia* and *L'Accadie*. After which His Honour Lieut. Governour *Dummer* Executed and Delivered in Manner as aforesaid to the said *Indian* Delegates under the Seal of the Province, the proper Instrument agreed to for receiving the said Tribes into His Majesty's Grace and Favour, and the Protec-



tion of this His Majesty's Government, with an Assurance of the Justice of this Government to them respecting their Lands, Properties, Rights and Privileges; and at the same Time His Honour delivered them a Duplicate of their own Instrument, of the Articles of Pacification and Submission, Entred into, as aforesaid. Thereupon the Honourable *John Wentworth* Esq; Lieut. Governour of His Majesty's said Province of *New Hampshire*, Executed and Delivered to the said Delegates, in like Manner an Instrument for receiving the said Tribes into His Majesty's Grace and Favour, and the Protection of, and Friendship with that Government. And then Major *Paul Mascarene*, Commissioner from His Majesty's said Government of *Nova Scotia* and *L'Accadie*, Executed and Delivered to the said Delegates, as aforesaid, an Instrument for the Reception of the Tribes of the *Penobscot*, *St. John's* and *Cape Sables Indians* into His Majesty's Grace and Favour, and the Protection of that Government; and at the same time delivered a Duplicate of their own Instrument, of the Articles of Submission and Pacification, Entred into by them, as aforesaid, to that Government.

ALL which being thus done and solemnly concluded, as well to the Satisfaction of His Majesty's said Governments, as the said *Indian* Delegates. The same was Universally Manifested by Expressions full of Duty and Loyalty to His Most Sacred Majesty King *GEORGE*.

Then Mr. Secretary said, That it was His Honour's Pleasure, That this Great and General Court or Assembly should be Adjourned 'till to Morrow Morning Ten a-clock: And then Mr. Secretary declared, That the said Great and General Court or Assembly was Adjourned 'till to Morrow Morning Ten a-Clock, accordingly.

# VOTES

## Of the House of Representatives.

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Jobis Die 16. Decembris, A. D. 1725.

**E**dward Hutchinson Esq; brought down a Petition of *John Crisde*, shewing, That his Servant *Francis Procter*, is now in the Pay and Service of this Province, and late in the particular Company of Capt. *Samuel Jordan*, that the said *Jordan* under a pretence of furnishing him with a Gun, has kept three Months of the Pay due to the said Servant; altho' the Petitioner, as he suggests, Equipped his Servant with a Gun, and other Necessaries for a Soldier; praying, That this Court would relieve him in the Premises; that so he may not be defrauded of his just dues. Pass'd in Council, viz. In Council, *December 14th. 1725.* Read and sent down, which accompanied the Muster-Roll of the said Capt. *Jordan*. Read and Ordered, That this Petition be dismiss'd, for that the Facts are not made out, as are set forth therein. Sent up for Concurrence.

Ordered, That Mr. *Lewis*, be added to the Committee for preparing a proper Vote to be laid before His Honour, for Reducing the Forces in the Pay and Service of the Province.

Ordered, That Major *Moodey* carry up the Bill for Trade and Commerce with the Eastern Indians, and desire that an Amendment on the said Bill may be made, viz. *Dele* the words [not inconsistent with] and *add* [conformable to]

### Post Meridiem.

Ordered, That Mr. *Rolfe* go up with a Message to the Honourable Board to inquire, Whether they have Pass'd on the Petition for a Grant of a Tract of Land at a Place called *Penny-Cooke*? Who Returned that the Board informed him, they had Referred it to the next *May* Session for further Consideration.

Ordered, That Mr. *Lindall* go up with a Message to the Honourable Board, to desire They would send down the Petition of sundry Inhabitants of this Province, for the Grant of a Tract of Land at a Place called *Penny-Cooke*.

*Upon Reading the Report of the Committee Appointed to Inquire into, and Examine the State of the College Treasury, &c. and a debate being had thereon: And this Court having very much at Heart the true Interest and Prosperity of that Society, and being very willing and desirous to Repeat their Intentions and Inclinations that the same may Flourish, and by the Divine Influence thereon, be continued as a lasting Blessing to future Generations:*

*Resolved*, That the said Report be so far Accepted, as that the Sum of *One Thousand Pounds*, be allowed and paid out of the Publick Treasury to the Corporation of *Harvard College*, and by them to be forthwith used and disposed of for the Building and Finishing a Handsome Wooden Dwelling House, Barn, Out-Housen, &c. on some part of the Lands adjacent, and belonging to the said College, which is for the Reception and Accommodation of the Reverend the President of *Harvard College*, for the time being. And it being the Opinion of this Court, that the Incomes and Revenues of the said Colleges Estate undisposed of by the Corporation, and un-[ 78 ]appropriated, with what has been already allowed by this Court to the Reverend Mr. *Benjamin Wadsworth*, the present President of the said *College*, is a sufficient and honourable Support and Maintenance for him the said President, for One Year; and that the said Mr. President *Wadsworth* may be further Encouraged Cheerfully to go through the Momentous Affairs of his Office, *It is further Resolved*, And this Court do freely Give, Grant & Appropriate the Annual Rents & Incomes of *Massachusetts-Hall*, to him the said Mr. President *Wadsworth*, for and during the Time of his continuance in the said Office, towards a more honourable Maintenance and Support for him.

Sent up for Concurrence.

An Engross'd Bill, Entitled, *An Act in Addition to an Act Entitled, An Act Enabling Sheriffs and Constables to require Aid, &c. Made in the Tenth Year of the Reign of the late King William.* Read, and *Resolved*, That the Bill pass to be Enacted.

An Accompt of Dr. *Jonathan Prescott*, amounting to *l. 6. 9 s.* for Medicines, &c. Administred to several of the Soldiers who were Wounded in the late Battle of *Piggwackett*. Read and *Resolved*, That the Sum of *Six Pounds Nine Shillings* be allowed and paid out of the Publick Treasury to the said *Jonathan Prescott*, in full discharge thereof. Sent up for Concurrence.

A Petition of Col. *Thomas Westbrooke*, praying, He may be allowed to receive Colonels pay out of the Publick Treasury for his Service to this Province, for the Reasons therein mentioned. Read, and the Question was put, *Whether the prayer of the Petition shall be granted?* It pass'd in the Negative: for that no more than Majors pay is allowed by a Resolve formerly pass'd.

A Petition of *John Elder*, shewing, That he was a Soldier in the Pay and Service of this Province, from *November 1724.* to *May 1725.* at the *Block House* at *St Georges*, but in making up the Muster-Roll for that Time he was Omitted, and is in Danger of loosing his Wages, without the Aid and Relief of this Court.

Read, and Committed to the Committee for Muster-Rolls.

*John Cushing* Esq; brought down a Bill, Entitled, *An Act in Addition to the several Acts or Laws of this Province, Made for the Regulation of the Civil-*

ized Indians, *Inhabiting this Province, and preventing Oppression or Abuses to them.* Pass'd in Council, *viz.* In Council. Read Three several Times, and pass'd to be Engross'd.

Sent down for Concurrence. Read a first Time.

*Voted*, That a Message be sent up to His Honour the Lieut. Governour to desire, That the Ammunition of Powder, Ball, &c. lodged for an Expedition at Fort George at Brunswick, and not properly belonging thereto, may by His Honour's Direction to Capt. Gyles be returned into the Province Treasury. Sent up for Concurrence.

Thomas Fitch Esq; brought down the Petition of Benjamin Stevens, Andrew Mitchel, and others, a Committee in behalf of the Petitioners, for a Tract of Land called Penny-Cooke, with the Vote of the House thereon, as Entred the 17th of June last. Pass'd in Council, *viz.* In Council, June 18th.

1725. Read, and referred to the Fall Session. December 15th.

1725. Referred to the Session of this Court in May next. Sent down for Concurrence.

Read, and Non-Concur'd, and Committed to John Stoddard, John Wainwright, Henry Phillips, John Chandler and Nathaniel Paine Esqrs; to take the same into Consideration, and that they prepare and Report a proper Vote for the Court to pass, for the Granting and Erecting the said Lands into a Township under such Regulations as may be proper.

A Petition of Edward Southworth, shewing, That he spent some Time in Enlisting a Number of Indian Volunteers, and in making up his Roll, he has been detained here for longer time than he is allowed pay for; praying, This Court would grant him what they shall think meet, for the reasons aforesaid.

Read, and the Question was put, *Whether any Allowance shall be made the Petitioner out of the Publick Treasury?*

It pass'd in the Negative. [ 79 ]

A Petition of Samuel Sambourn and Elizabeth his Wife, shewing, That Peter Colcord, (Son of the said Elizabeth) Voluntarily undertook to Pilot a Company of Soldiers the last Winter in a March to Piggwacket, in the Service of this Province, but by reason of the Cold and Hardships he endured in said March, he was taken Sick the day after his Return, and in a few days he dyed; that his Funeral Charge amounted to *l. 7 11 s. 8 d.* praying, That the said Sum may not be stopped out of his Wages, but that it may be Allowed out of the Publick Treasury, for the Reasons therein mentioned. Read, and Resolved, That the Sum of Seven pounds eleven shillings and eight pence be allowed and paid out of the Publick Treasury to Mr. John Sanders, for the use of the said Elizabeth Sambourn, to discharge the Funeral Charge of the said Peter Colcord, as within mentioned. Sent up for Concurrence.

Ordered, That a Message be sent up to His Honour the Lieut. Governour, to desire His Honour would lay before the House an Account of the Number and



Dispositions of the Forces now retained in His Majesty's Service, and Pay of this Province Eastward.

A Message from His Honour the Lieut. Governour by Mr. Secretary, giving the Account of the Number and Dispositions of the Forces Eastward.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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Veneris Die 17. Decembris, A. D. 1725.

**A** Bill Entitled, *An Act in Addition to the several Acts or Laws of this Province, made for the Regulation of the Civilized Indians, Inhabiting this Province, and preventing Oppression or Abuses to them.* Read a second time.

Ordered, That Mr. Treasurer be directed to lay before the House forthwith, the Bills of Parcels of the Goods he has purchased by Order of the Court, and put on board Capt. *Sanders*, and Committed to the care of Mr. *Edmund Mountforth*, and also the Invoices of the said Goods which he has delivered to the said *Mountforth*, to be Sold to the Indians at, and all the other Papers thereto relating.

An Engross'd Bill Entitled, *An Act for dividing the Town of Charlstown, and Erecting a New Town there, by the Name of Stoneham.*

Read and Resolved, That the Bill pass to be Enacted.

*Whereas this Court have Resolved, That the Laws now in Force be Im-printed, for the Use, Information and Direction of the People of this Province, but no care therein taken for the Inspection of the Press, nor is there any Contract as yet made with any Stationer for Printing the said Laws, Supplying Paper, &c. and Binding them handsomely up: Ordered,* That Mr. *Lindall*, Mr. *Shove*, and Mr. *Wainwright*, with such as the Honourable Board shall Appoint, be a Committee to Revise all the Laws now in Force in this Province, and that they Agree and Contract with some Stationer for Printing the same, and Binding a Number of them handsomely up, and that they Report to this Court in their Present Session for what Sum, and on what Conditions the same may be done. Sent up for Concurrence.

A Petition of *Benjamin Flagg*, of *Worcester*, shewing, That he was a Serjeant in the Service of this Province, and in discharging his Gun it unfortunately split in his Hand, and tore it all in pieces, that in getting a Cure of the said Wound, he was at the Expence of *l. 5 10 s.* praying, That the said Sum may be allowed him out of the Publick Treasury for the Reasons mentioned. Read, and in Answer to this Petition, Resolved, That the Sum of *Five pounds ten shillings* be allowed and paid out of the Publick Treasury to the said *Benjamin Flagg*, to discharge the Doctors Bill, and his Petition in full. Sent up for Concurrence. [ 80 ]

A Petition of sundry of the Inhabitants of the Towns of *Salem*, *Topsfield*, *Boxford* and *Andover*, praying, That a certain Tract or Parcel of Land within

the Limits of the Bounds of the aforesaid Towns, as more particularly set forth in the Petition, may be Erected in a Seperate and Distinct Precinct, for the Reasons therein mentioned. Read and Referred to the next *May* Session for further Consideration, and that in the mean time the Petitioners serve the Adverse Parties with a Copy of this Petition, that they shew cause (if any they have) on the Second Tuesday of the said Session, why the prayer thereof should not be granted.

An Accompt of Capt. *John Gerrish*, amounting to *l. 107 18 s. 4 d.* for cleansing and mending sundry of the Province Arms, *per* Order of Mr. Treasurer *Allen*, from *September 1722. to November 1723.*

Read, and Committed to the Committee for Muster-Rolls.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Petition of *John Malcolm*, as Entred the 11th. Which was Read and Accepted, and Voted, That the Petition be dismiss'd accordingly.

On the Petition of *Robert Thompson*, as Entred the 10th. Which was Read and Accepted, and Resolved, That the Sum of *Four pounds*, be allowed and paid out of the Publick Treasury to the Petitioner *Robert Thompson*, for two Months Service due to him, as set forth in the Petition. Sent up for Concurrence.

Col. *Stoddard* from the Committee appointed to consider of the Petition of *Benjamin Stevens*, *Andrew Mitchell*, and others, for the Grant of a Tract of Land brought down Yesterday, made Report thereon, and the House accepted the same, and the following Vote pass'd *viz.*

In Answer to the Petition of *Benjamin Stevens*, *Andrew Mitchell*, *David Kemball*, *Ebenezer Eastman*, *John Osgood* and *Moses Day*, a Committee appointed by and in behalf of the Petitioners formerly for a Tract of Land at a place called *Penny-Cooke*, praying, That this House would Revive their Vote pass'd the 19th. of *June*, 1724. for the Granting of the said Tract of Land, on a Petition then preferred by the Petitioners afore-named.

Resolved, That the Tract of Land lying and being on both sides of *Merimack River*, at a place called *Penny-Cooke*, lately Surveyed and laid out by *William Ward*, and *John Jones*, in *May*, 1722. Surveyors upon Oath by Order, Be and hereby is granted unto One Hundred Persons, such as shall be admitted by the Committee hereafter Named, and that the said Tract of Land as particularly delineated and discribed in the Plan herewith Exhibited; Be and hereby is Erected into a Township, and that *John Wainwright* of *Ipswich* Esq; Mr. *John Sanders* of *Haverhill*, and Capt. *John Shepley* of *Groton*, with such as the Honourable Board shall Appoint, be a Committee fully Authorized and Impowred by this Court to Allot and Grant out to such Persons, and only such as will Effectually Settle the same within Three Years next after the Date of this present Grant, giving the preference to such of the Petitioners as in their Judgment may be most likely to make a Settlement, the Lotts and Settlements to be laid out by the said Committee, in equal Proportion according to the best Judgment of the

Committee, to be in as Regular and Defensible a Manner as the Nature and Circumstance of the Lands will admit and allow of, each Person and Family to whom a Lott with the other Rights and Dividends are Granted, shall be obliged to Build a good Dwelling House thereon, and Inhabit it, and also to Break up, and Sufficiently Fence in Three Acres of Land, each within the said Term of Three Years as aforesaid, that there be Reserved and laid out for the first Settled Minister in said Town; a Convenient Lott, also a Lott for the School, and a Ministerial Lott in the said Town, and the Settlers be Obligated to Build a Convenient House for the Publick Worship of G O D, in said Town, within the Term of Four Years, the Charge of the Committee to be paid by the Grantees, and that the Committee give Publick Notice of the Time and Place of their Meeting to Grant Allotments. [ 81 ]

*Provided Nevertheless*, That in Consideration of the Extent of the Grant and Goodness of the Soil, and the Charge hitherto arisen in Surveying the same, and taking the aforesaid Plan, that each Settler and Grantee shall be obliged, and hereby is enjoined to pay the Sum of *Five Pounds* to the Committee aforesaid, to be by them paid into the Publick Treasury, for that there may be occasion to advance Money out of the Publick Treasury for the Encouragement of Settling a Line of Towns from this Grant to *Connecticut River*. Sent up for Concurrence.

### Post Meridiem.

A Petition of Capt. *James Frye* of *Andover*, shewing, That his Son *Jonathan Frye*, went out as Chaplain to the Company of Voluntiers under the Command of the late Capt. *Lovewell*, and in the Battle of *Piggwacket* his said Son was Slain, and in making up the Muster-Roll of that Company, there was only Centinels pay allowed for his Sons Wages, and that his said Son carried out a Gun with him of the value of *Four Pounds*, which the Petitioner hath not Received; praying, he may have such allowance made him in the Premises, as to the Wisdom and Goodness of this Court shall seem meet, his Son being in his Non-Age when he was Slain.

Read, and Committed to the Committee for Petitions.

A Petition of *Timothy Richardson*, of *Woburn*, shewing, That in the late Battle of *Piggwacket*, under the late Capt. *Lovewell*, he received several Wounds, that he is not Restored to former Health, and hath been at considerable Expence and loss of time as well as endured great Pain and Smart by reason thereof; praying, That he may be allowed therefor as to the Wisdom and Generosity of this Court shall seem convenient.

Read, and Committed to the Committee for Petitions.

A Petition of *Josiah Jones* of *Concord*, shewing That in the late Battle of *Piggwacket*, under Capt. *Lovewell*, he Received such Grievous Wounds, that he was Nineteen Days suffering great hardships, and hourly in danger of perishing,

and at length got to *Falmouth* in *Casco Bay*, whereby he was obliged to continue Sixteen Weeks, and expended for Sustenance and Cloathing the Sum of *l. 12 2 s. 6 d.* praying, That this Court would be graciously pleased to allow him the said Sum out of the Publick Treasury.

Read, and Committed to the Committee for Petitions.

A Petition of the Select-Men of the Town of *Licester*, in behalf of the said Town, setting forth that they are a Frontier Town, and have been very much exposed and reduced to low Circumstances by Reason of the late Indian War; praying, That this Court would take their distressed Case into their Compassionate Consideration, and abate them the proportion of the Province Tax laid on the said Town for the present Year. Read, and in Answer to this Petition *Resolved*, That the Province Tax laid on the said Town of *Licester*, for this present Year be abated, for the Reasons therein set forth. Sent up for Concurrence.

A Petition of *Josiah Whitney, Benjamin Robbins, Jonathan Hartwell, William Fletcher* and *Joseph Butterfield* of the West Precinct of *Chelmsford*, on the West-erly side of the Great *Tatnuck* Meadows, together with the Town of *Littleton*, praying, That a Committee may be appointed to View their Circumstances, together with those of the West Precinct in *Chelmsford*, that so the Petitioners of the West precinct in *Chelmsford* aforesaid, may be annexed to *Littleton*, as to the payment of the Ministerial Charge there. Read, and *Ordered*, That Capt. *William Wilson*, Capt. *John Shipley* and Mr. *Daniel Pierce* with such as the Honourable Board shall Appoint be a Committee, at the Charge of the Petitioners of the West precinct in *Chelmsford*, to View the circumstances of the Town of *Littleton*, as well as the West Precinct in *Chelmsford*, and Report their Opinion of what may be proper for the Court to Act on the Petition, at their next *May* Session. Sent up for Concurrence. [ 82 ]

The Explanatory CHARTER Read again, and the House entred into a deliberate Consideration and long Debate thereon.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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Sabbati Die 18. Decembris, A. D. 1725.

UPON a Motion made and seconded by many of the Members of the House, that a Day might be appointed for the House to Enter into the Consideration of the Explanatory CHARTER :

*Resolved*, That this House on Tuesday next Afternoon, will Enter further into the Consideration of His Majesty's ROYAL Explanatory CHARTER.

An Accompt of Mr. Treasurer *Allen*, amounting to *l. 683 16 s.* being for sundry Goods and Merchandizes, Ship'd on board the Sloop *Merry-Meeting*, *Thomas Sanders* Master, and Consigned to *Edmund Mountforth*, to be by him Sold to the



Eastern *Indians* for Peltry, &c. per Order of this Government. Read and Resolved, That the Sum of Six Hundred Eighty Three Pounds Sixteen Shillings, be allowed and paid out of the Publick Treasury to *Jeremiah Allen* Esq; to be by him Repaid to the Persons to whom the same is Respectively due, in full discharge of the within Accompt.

Sent up for Concurrence.

*Melatiah Bourne* Esq; brought down a Petition of *Samuel Wainwright* of *Ipswich*, Gent. and *Mary* his Wife, shewing, That the Petitioner *Mary's* Father, Mr. *Joseph Flint* of *Salem*, Dyed Intestate, & Administration was given to his Widow, Mrs. *Experience Flint*, Anno 1712. who rendred an Inventory of said Estate, in 1713. amounting to *l. 1784 7 s. 2 d.* to be divided between Two Sons and a Daughter, whereof the Personal Estate was *l. 1178 7 s. 2 d.* That in the Year 1714. the said *Experience* being Dead, Messieurs *Benjamin Gerrish* and *Benjamin Flint*, took Administration *de bonis non*, on the said Estate, and gave an Inventory of about *l. 439* in Goods, and *l. 496 10 s.* in Bonds: That in 1724. *Joseph* the Eldest Son of the Intestate Dyed, the two other Children being under Age, and having no Guardians, the said Administrators *de bonis non*, made up their Accompts with the Judge of Probate, and the Personal Estate was Setled, Two thirds on the Surviving Son, One third on the said *Mary*; that the Petitioners are debarred by the Province Law from Appealing, to Remedy the said Mischief, because the said *Mary* had not a Guardian appointed her at the time of these Transactions, praying, They may have the Liberty of an Appeal to the Governour and Council, for the Reasons therein mentioned. Pass'd in Council, viz. In Council, *December 18th. 1725.* Read and Ordered, That the prayer of this Petition be granted.

Sent down for Concurrence.

Read and Concur'd.

*Addington Davenport* Esq; brought down the Report of the Committee of both Houses appointed, to prepare Instructions for the Person who is to supply the Eastern *Indians* with Goods, &c. and for the Truck-masters, Signed by Order of the Committee, *N. Byfield.*

Pass'd in Council, viz. In Council, *December 17th. 1725.* Ordered, That this Report of Instructions be Accepted, with the Amendment.

Sent down for Concurrence.

Read, and the Question was put, *Whether the House will Concur with the Honourable Board in their Vote?* It pass'd in the Negative, *Nemine Contradicente.*

Then the House debated on the said Report Article by Article, and Voted, That this Report be Accepted. Sent up for Concurrence. [ 83 ]

*Melatiah Bourne* Esq; brought down the Petition of *Samuel Prince* of *Middleborough*, Esq; praying, as Entred the 10th Currant. Pass'd in Council, viz. In Council, *December 17th. 1725.* Read again, together with the Answer of *Isaac Little* Esq; and Ordered, That the further Consideration of

this Petition be referred to the next *May* Session. Sent down for Concurrence. Read and Concur'd.

*Jonathan Dowse* Esq; brought down the following Vote of Council, *viz.* In Council, *December* 17th. 1725. Ordered, That *Mr. John Vinton*, a Principal Inhabitant of the Town of *Stoneham*, be and hereby is Impowred & Directed to Notifie and Summon the Inhabitants of the said Town, duely Qualified for Voters, to Assemble & Meet some time in the Month of *March* next, to Choose Town Officers according to Law, to stand for the Year. Sent down for Concurrence. Read and Concur'd.

An Accompt of *Col. Thomas Westbrook*, being for sundry Disbursements in the Service of this Province. Read, and Committed to the Committee for Petitions.

A Petition of *Joseph Bancroft* of *Reading*, praying, That the Sum of 49 *s.* may be Allowed him out of the Publick Treasury, for so much Omitted being carried out to him as a Centinel, in the late Capt. *Wymans* Company, and a Serjeant in Capt. *Blanchards* Company in making up said Rolls. Read and Resolved, That the prayer of the Petition be granted, and that the Sum of *Forty nine shillings* be allowed and paid out of the Publick Treasury to the said *Joseph Bancroft* accordingly.

Sent up for Concurrence.

*John Clarke* Esq; brought down the Report of the Committee for Instructions to the Truck-masters, &c. Sent up this Morning. Pass'd in Council, *viz.* In Council, *December* 18th. 1725. Read and Non-Concur'd, and the Board adhere to their own Vote; and the Honourable House are desired to Re-consider their Vote above.

Read, and the Question was put, *Whether the House will Re-consider their Vote above?* It pass'd in the Negative; and the House adhere to their own Vote.

An Accompt of *Samuel Tyley* amounting to *l. 14 13 s. 6 d.* for Writing in the Service of the Government, from *June* 20th. 1725. to *December* 15th. Currant. Read and Resolved, That the Sum of *Fourteen pounds thirteen shillings and six pence* be allowed and Paid out of the Publick Treasury to the Accomptant *Samuel Tyley*, in full discharge thereof. Sent up for Concurrence.

Then the House Adjourn'd till Monday next Three a-Clock Afternoon.

# VOTES

## Of the House of Representatives.

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Lunæ Die 20. Decembris, A. D. 1725.

**M**R. Agent *Cooke* was Admitted into the House, and laid on the Table a Journal of his Proceedings, from the time of his being Chosen into the Agency, to the time of his Arrival at *Boston*; and acquainted Mr. Speaker and the House, that he should wait on them in a few Days with an Account of his Expences in the Agency, and then withdrew.

Mr. Agent *Cooke's* Journal was Read.

*Edmund Quincy* Esq; brought down the following Vote of Council, viz. In Council, *December 20th. 1725.* Ordered, That *Thomas Hutchinson, Samuel Browne*, and *Elisha Cooke* Esqrs; be a Committee to confer, with such as the Honourable House of Representatives shall appoint, on the Subject Matter of the Fourth Article of Instructions to the Truck-Masters, managing the Trade with the Indians.

Sent down for Concurrence. Read and Concur'd, and Ordered, That Mr. Speaker, Col. *Stoddard*, Mr. *Lindall*, Mr. *Shove*, and Major *Moodey*, be the Committee of the House for the Conference proposed by the Honourable Board.

*Spencer Phipps* Esq; brought down a Bill Entitled, *An Act for Regulating and Restraining Settlements in the Frontiers of this Province.* Pass'd in Council, viz. In Council. Read three several times, and pass'd to be Engross'd.

Sent down for Concurrence. Read a first time.

Then the House Adjourn'd till to Morrow Morning Ten a Clock.

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Martis Die 21. Decembris, A. D. 1725.

**A**N Engross'd Bill Entitled, *An Act for Encouraging the Raising of Hemp within this Province.*

Read, and Resolved, That the Bill pass to be Enacted.

An Engross'd Bill Entitled, *An Act for dividing Taunton North Purchase, so called in the Township of Norton, and Erecting a New Town in the Easterly half thereof, by the Name of Easton.*

Read and Resolved, That the Bill pass to be Enacted.

Ordered, That Mr. *Josiah Keith*, a Principal Inhabitant of the Town of *Easton*, be and hereby is impowred and directed, to Notifie and Summon the Inhabitants of the said Town duely Qualified for Voters, to Assemble and Meet sometime in the Month of *March* next, to Choose Town Officers, according to Law to stand for the Year.

Sent up for Concurrence.

Col. *Stoddard*, from the Committee for Petitions, Reported,

On the Petition of Capt. *James Frye*, as Entred the 17th. Which was Accepted, and in Answer to this Petition, *Resolved*, That the Petitioner be allowed to Receive out of the Publick Treasury, what Money was due to his Son for Wages under the Command of the late Capt. *Lovewell*, and Mr. Treasurer is hereby ordered and directed to pay the same accordingly. Sent up for Concurrence.  
[ 86 ]

On the Petition of *James Mc. Faden*, as Entred the 13th. Which was Accepted, and thereupon *Resolved*, That the Sum of *Seventeen pounds* be allowed and paid out of the Publick Treasury to the Petitioner *James Mc. Faden*, to enable him to refund what was paid for his Ransom, he being taken by the Enemy, whilst in the Countries Service. Sent up for Concurrence.

On the Petition of *Timothy Richardson*, as Entred the 17th. Which was Accepted, and in Answer to this Petition *Resolved*, That the Sum of *Eighteen pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Timothy Richardson*, in Consideration of the Wounds Received in the Service of this Province, and his Charges, &c. occasioned thereby, as set forth in the Petition.

Sent up for Concurrence.

On the Petition of *Josiah Jones*, as Entred the 17th. Which was Accepted, and thereupon *Resolved*, That the Sum of *Eight pounds seven shillings and six pence*, be allowed and paid out of the Publick Treasury to the Petitioner *Josiah Jones*, in full of the Charges therein mentioned. Sent up for Concurrence.

*Thomas Palmer* Esq; brought down the Report of the Committee Respecting the Affairs of the College, with the Vote of the House thereon, as Entred the 16th. Pass'd in Council, *viz.* In Council, *December 20th. 1725.* Read and Concur'd with the Amendments, *viz. Dele* — Repeat — and *add* — Prosecute — *Dele* the Paragraph beginning — and it being the Opinion — to — for one Year — and *add* — and further *Resolved*, That (besides what has been already allowed to the Reverend Mr. President *Wadsworth*) the Rents and Incomes of *Massachusetts Hall*, for the Five Years past (first deducting what has been laid out for the Repairs thereof) which was Reserved to be disposed of as this Court shall Order, together with the Rent of the said Hall for the Year Currant, be and hereby is granted to the said Mr. President *Wadsworth*, for his Support for this Present Year.

Sent down for Concurrence. Read and Non-Concur'd, and the House adhere to their own Vote.

Mr. Speaker from the Committee of the House appointed to confer with the Committee of the Honourable Board, Respecting an Article in the Report of the Committee of both Houses, appointed to prepare Instructions for the Person who is to Supply the Eastern *Indians*, &c. and for the Truck-Masters, as Entred last Night; Reported, That the said Committee for each House



Respectively had agreed to make Report thereon, instead and in the room of the Fourth Article of the Report of the Committee of both Houses, appointed to prepare Instructions as aforesaid.

Which was Read.

A Bill Entitled, *An Act for Regulating and Restraining Settlements in the Frontiers of this Province.* Read a second time, and the Question was put, *Whether the Bill shall have a third Reading?* It pass'd in the Negative, *Nemine Contradicente.*

*For that the Good and Wholsome Intentions proposed in the Vote of the House for Prohibiting Unjust and Irregular Settlements on the Frontiers of this Province, and thereby bringing the like Trouble and Insupportable Charge on this Government, as heretofore, will not be Effected: and therefore Ordered,* That a Message be sent up to the Honourable Board, to desire they would please to Re-consider their Vote of the House aforesaid.

Mr. Secretary *Willard* brought down the Report of the Committee appointed to prepare Instructions for the Person who is to Supply the Eastern *Indians* with Goods, &c. And for Truck-masters. Pass'd in Council, *viz.* In Council, *December 21st. 1725.* Read, and this Report of Instructions be accepted with the New Draught of the Fourth Article. Sent down for Concurrence. Read and Concur'd. [ 87 ]

### Post Meridiem.

According to the Order of the Day, the House Entred into the Consideration of the Explanatory CHARTER, and had a long Debate thereon.

*Edward Hutchinson* Esq; brought down the following Vote of Council, *viz.* In Council, *December 21st. 1725.* Ordered, That *Penn Townsend, Benjamin Lynde, Addington, Davenport,* and *Elisha Cooke* Esq; be a Committee of this Board, to confer with a Committee of the Honourable House of Representatives on the Subject Matter of that Article in the Vote Respecting the President of the College, which concerns his Maintenance this Present Year.

Sent down for Concurrence. Read and Non-Concur'd.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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### Mercurij Die 22. Decembris, A. D. 1725.

A Bill Entitled, *An Act in Addition to the several Acts or Laws of this Province, made for the Regulation of the Civilized Indians, Inhabiting this Province, and Preventing Oppression or Abuses to them.*

Read a third time, and Voted a Concurrence with the Amendments.

Sent up for Concurrence.

An Accompt of *Joseph Marion*, amounting to *l. 8 5 s.* for Writing in the Service of this Province. Read and *Resolved*, That the Sum of *Eight pounds five shillings* be allowed and paid out of the Publick Treasury to the Accomptant *Joseph Marion*, in full discharge thereof. Sent up for Concurrence.

An Accompt of Mr. Sheriff *Winslow*, amounting to *l. 5 10 s. 9 d.* being for sundry Expences by Order of this Court, at the Concluding the Treaty with the Indian Delegates. Read and *Resolved*, That the Sum of *Five pounds ten shillings and nine pence* be allowed and paid out of the Publick Treasury to *Edward Winslow Esq;* in full discharge of the within accompt.

Sent up for Concurrence.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Petition of *John Elder*, as Entred the 16th Currant. Which was Read and Accepted and *Resolved*, That the Sum of *Thirteen Pounds one shilling and five pence* be allowed and paid out of the Publick Treasury, to the Petitioner *John Elder*, for twenty six Weeks and one Day's Service, for which he has not been Entred on any Roll.

Sent up for Concurrence.

An Accompt of Dr. *Alexander Bullman*, amounting to *l. 112* being for 56 Weeks Service at *40 s. per Week*, as Surgeon to the Forces Eastward, ending *December 15th.* Currant, Certified by Col. *Westbrooke*, and Mr. *Treasury Allen*. Read and *Resolved*, That the Sum of *One Hundred and twelve pounds* be allowed and paid out of the Publick Treasury to the Accomptant Dr. *Alexander Bullman*, in full discharge of the within Accompt. Sent up for Concurrence.

*Ordered*, That Mr. *Lindall* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Vote of the House for the Grant of a Tract of Land at *Penny-Cooke*. Who returned, That the Board informed him, They had referred the Consideration thereof to the next *May Session*.

*Voted*, That a Message be sent up to the Honourable Board, to desire they would Reconsider their Vote for referring the Consideration of the Vote of the House for Granting a Tract of Land at *Penny-Cooke*, to the next *May Session*; and that they would [ 88 ] now pass on the said Vote of the House by Concurring or Non-Concurring, for that the House apprehend there is a great Probability that the said Lands will be Setled by others than the Inhabitants of this Province before the next *May Session*, as it hapned in the Case of *Nutfield*, Unless this Court do now take Effectual Order for preventing such Unjust Settlements.

A Petition of sundry of the Representatives of that Part of the Province formerly called the Colony of *Plymouth*; praying, That a New Impression of the Laws of the said Colony may be made at the Charge of this Province, for the Reasons therein mentioned. Read and *Resolved*, That the prayer of the Petition be so far Granted, as that Mr. *Shove*, Mr. *Lindall* and Col. *Paine*,

with such as the Honourable Board shall appoint be a Committee to Revise the Acts or Laws of the said late Colony of *New Plymouth*, respecting the Grants and Titles of Lands within the said Colony, and that the same be Imprinted at the Charge of this Province.

Sent up for Concurrence.

A Bill Entitled, *An Act for the better Regulating of Swine*. Read a first time.

A Petition of *Richard Burk of Brookfield*; shewing, That in the Service of this Province under Capt. *Samuel Willard*, he had the Misfortune to Cut himself with an Ax in *September* last, and lay five Weeks confin'd before he was cured of his Wound; praying, he may have such Allowance for his loss of Time and Charge occasioned by said Wound which he received as aforesaid as to the Wisdom of this Court shall seem meet. Read, and in Answer to this Petition Resolved, That the Sum of *Four pounds five shillings* be Allowed and Paid out of the Publick Treasury to the Petitioner, in Consideration of his loss of Time occasioned by the said Wound, and to Enable him to pay the Doctor for the Cure.

Sent up for Concurrence.

A Memorial of Capt. *Timothy Dwight*, praying that he may have an Advance made him out of the Publick Treasury to Enable him to purchase Provisions for the Subsisting the Forces at Fort *Dummer*, this being the Season therefor.

Read and Resolved, That Mr. Treasurer *Allen* be and hereby is Ordered and Directed to Pay & Advance to Capt. *Timothy Dwight*, the Sum of *One Hundred Pounds* to enable him to purchase Provisions for Subsisting the Forces at Fort *Dummer*; provided the said Capt. *Dwight* give sufficient Security to Mr. Treasurer for Accompting for the disposition of the said Money. Sent up for Concurrence.

A Petition of *Joses Bucknam of Charlestown, Jacob Wilson, and Jonathan Barrett of Malden*, on behalf and by the Direction of the Inhabitants of *Malden* and *Charlestown*, living on the North side of the Great River, That runs from *Boston* to *Mystick*, bordering upon the Town of *Malden*; praying, That all the Lands contained in the aforesaid Bounds may be set off to the Town of *Malden*; and that the Inhabitants and Proprietors of the said Lands, may pay their proportion of all Province, County and Town Charges in the Town of *Malden* only; and that they may be Warned and Summoned to *Malden* Town Meetings, and act as the other Inhabitants may or can do, for the Reasons therein mentioned.

Read and referred to the next *May* Session for further Consideration, and that in the mean time the Petitioners serve the Towns of *Charlestown* and *Stoneham* with a Copy of this Petition, that they shew cause, if any they have on the second Tuesday of the said Session, why the prayer of the Petition should not be granted. Sent up for Concurrence.

*Ordered*, That the Transport Sloops called the *George* and *Sea Flower*, be immediately after their next Return to *Boston*, discharged from the Service of this Government, the Treasurer taking care to receive any Stores, &c. belonging to the Province.

Sent up for Concurrence. [ 89 ]

*To the Intent that all the Laws of this Province may be the more certainly Known and Understood:*

*Resolved*, That a New Impression of them be Made with all convenient Speed, wherein all such Laws as are Repealed or Expired shall be left out, and a proper Index or Table Calculated for the whole Annexed; And that *Addington Davenport* and *Elisha Cooke* Esqrs; be a Committee to Supervise the Laws for that End, and agree for the Impression on the best Terms they can; Each Town of the Province and Members of the present Court to be furnished with a Book at the Publick Charge; and that the Books for each Town in the Province, and Members of the present Court, when finished and bound up, shall be lodged in the hands of the said Committee, to be delivered out according to this Resolve; and that so many of the Books as shall be delivered, as aforesaid, more than the Number the Committee appointed to take care of the Impression are to have of the Bookseller, for the Privilege of Printing the Laws, shall be paid for out of the Publick Treasury. And that the said Committee shall be paid for their Service when compleated, the Sum of *Forty Pounds* out of the Publick Treasury.

Sent up for Concurrence.

### Post Meridiem.

*Penn Townsend* Esq; brought down a Petition of the Children and Legatees of the late Governour *Dudley*, Deceased; shewing, That among other Lands the said Governour *Dudley* dyed Siezed of, there was a large Tract of Land containing Six Thousand Acres, Scituated within the Township of *Oxford*; and whereof he made a Disposition in and by his last Will and Testament: But so it is, that by Force of the said Devise, the Petitioners apprehend that without the Aid of this Court, the said Lands cannot be Alienated or Disposed of tho' to never such Advantage; And there being a Village going forward of a considerable Number of Families upon some Lands next Adjoyning, to the Southerly Part of the said 6000 Acres of Land, and the Persons concerned therein are greatly desirous (if it might be) to purchase the Southerly half of the said Tract; They therefore pray that the Court would Enable them to make Sale of One half of the said Six Thousand Acres, for the Reasons mentioned in the Petition.

Pass'd in Council, viz. In Council, *December* 18th. 1725. Read and Ordered, That the Petitioners be and hereby are Impowred to make Sale of the Southerly half of the Lands to them devised, as set forth in the Petition, and



to Execute good and sufficient Deeds in the Law for Alienating the same: Any Law, Usage or Custom to the contrary notwithstanding; Provided, That the Lands be disposed of to such Persons as shall bring forward a Settlement thereon agreeable to the Suggestion in the Petition.

Sent down for Concurrence. Read and Concur'd.

*Ordered*, That *John Stoddard* Esq; go up with a Message to the Honourable Board, to Acquaint them that the House is ready to proceed to the Choice of Seven Gentlemen, to be present at the Ratification of the Treaty with the *Indians*, agreeable to the Instrument delivered by His Honour the Lieut. Governor, to the *Indian* Delegates.

An Account of *Benjamin Eliot* for Paper, Ink, Quills, and sundry Sheets of the Laws of this Province, from *December* 19th. 1724. to the 21st Currant, Amounting to *l. 24 6 s. 5 d.* Read and *Resolved*, That the Sum of *Twenty four Pounds Six shillings and five pence* be allowed and paid out of the Publick Treasury to the Accomptant *Benjamin Eliot*, in full discharge thereof.

Sent up for Concurrence.

A Petition of *William Gold* of *Boston*, Labourer, now a Prisoner for Debt in His Majesty's Goal in *Boston*; praying, he may be Admitted at the next Court of General Sessions of the Peace to be held at *Boston* for the County of *Suffolk*, to declare upon Oath what Debts are owing to him from any Person, and what Effects are belonging to him, and make a Schedule thereof, that so the Justices of the said Court may be [ 90 ] impowred to Sign a Warrant for his Discharge; the Repealing of the Act for Relief and Release of Poor Prisoners for Debt notwithstanding. Read and the Question was put, *Whether the prayer of the Petition shall be granted?*

It pass'd in the Negative.

A Memorial of *Ame Printer*, jun. of *Hassanamisco*, praying, That the Sum of *32 s.* may be allowed him out of the Publick Treasury for Eight Day's Service he was struck off from in Capt. *Samuel Willards* Muster-Roll, for the Reasons therein mentioned.

Read, and Committed to the Committee for Muster-Rolls.

A Petition of *Joseph Hill*, *Joseph Blanchard* and *Joseph Reed*, in behalf of themselves and 103 others, Inhabitants of *Woburn*, *Billerica*, *Chelmsford* and *Dunstable*; praying for a Grant of a Tract of Land above *Dunstable* upon *Merri-mack-River*, from *Dunstable* Line to the Three Miles above *Amaskege* Falls, to be Erected into a Township. Read, and referred to the next *May* Session for further Consideration.

*Edmund Quincy* Esq; brought down the following Vote of Council, viz. In Council, *December* 22. 1725. *Ordered*, That the Honourable *William Tailer* Esq; *John Turner* Esq; and the Secretary, with such as shall be appointed by the Honourable House of Representatives, be a Committee to receive the

several Claims or Titles (that may be had or obtained) of the *English* to the Lands in the Eastern Parts of this Province; and to Repair to *Falmouth*, at the Time proposed, for the Ratification of the late Treaty, and that they produce the said Claims and Titles, and take care as far as possible to make out the same to the Satisfaction of the *Indians*; and to distinguish and ascertain what Lands belong to the *English*, in order to the Effectual Prevention of any Contention or Misunderstanding on that Head for the future. Sent down for Concurrence. Read.

*Voted*, That this House will proceed to the Choice of Five Persons to be Employed in the Affair contained in the above Vote of the Honourable Board, to Morrow Morning.

*Upon a Motion made*, The Question was put, *Whether the Bill Entitled, An Act for the better Regulating of Swine, shall have a second Reading?*

It pass'd in the Negative.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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# VOTES

## Of the House of Representatives.

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*Jobis Die 23. Decembris, A. D. 1725.*

**A** Petition of Major *Samuel Moody*, Representative of the Town of *Falmouth* in *Casco-Bay*, setting forth, That notwithstanding they are a Frontier Town, and have been Exposed to such great difficulties and hardships, by reason of the late *Indian* War, as have reduced them to very low Circumstances; yet they have by the Assistance of this Court built and pretty well finished a handsome Meeting-House for the Publick Worship of G O D in said Town, and have had a Minister with them for some Months past; praying, that this Court would please to take their Circumstances into their Wise and Compassionate Consideration, and grant them such further Support for the Maintaining of the Ministry among them, as to their Goodness shall seem meet, for the Reasons therein mentioned. Read, and in Answer to this Petition *Resolved*, That the Sum of *Fifty Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Samuel Moody* Esq; to be by him delivered to the Select-men of the said Town, and by them disposed of, as in their Prudence they shall judge meet, for the Support of the Ministry in the said Town of *Falmouth*.

Sent up for Concurrence.

The Vote of Council brought down last Night, for appointing a Committee to be present at the Ratification of the Treaty with the *Indians* according to the Instrument delivered by His Honour the Lieut. Governour to the *Indian* Delegates, and sent down for Concurrence. Read and Concur'd and *Voted*. That Col. *Dudley*, Col. *Stoddard*, Mr. *Lindall*, Mr. *Shove*, and Mr. *Wainwright*, be joyned with the Committee of the Honourable Board, in that Affair.

*Resolved*, That the Sum of *Fifty Shillings* be allowed and paid out of the Publick Treasury to Mr. *Daniel Pierce*, to be by him paid to whom it is due by Law, being so much due to his Brother *Joseph Pierce* late of *Wobourn*, deceased, who was a Soldier in the Service of this Province in the late *Canada* Expedition. *Anno 1711*. in the particular Company under the Command of Col *Vetch*, and is in lieu of the Gun he delivered of the Bounty of Her late Majesty Queen *Anne*. Sent up for Concurrence.

*Resolved*, That Mr. Treasurer *Allen* be and hereby is *Ordered* and Directed, as often as he Receives any thing of the Produce of the *Fourteen Hundred Pounds*, already Ordered by this Court, to be invested in Goods proper to Supply and Trade with the *Indians*, &c. Eastward, to invest the same again in Goods suitable for the aforesaid Supply and Trade, consigning them to Mr. *Edmund*

*Mountfort*, with Orders for his disposal thereof, and Remitting the proceeds of them agreeable to the Instructions he has had for disposing of the first Parcel of Goods sent to him by Capt. *Sanders*; this Order to Continue and be in Force till the Session of this Court in *May* next.

Sent up for Concurrence.

. **Post Meridiem.**

An Accompt of Mr. Sheriff *Winslow*, amounting to *l. 86 1 s. 1 d.* being for the Expence on the Indian Delegates, &c. while at *Boston*.

Read and Committed to the Committee for Petitions.

An Accompt of *Benjamin Eliot*, amounting to *l. 25 17 s. 7 d.* for Paper, Ink, Quills, Books for Records, &c. from *December 17th. 1724.* to *December 18th. Currant*, brought down by *Benjamin Lynde Esq*; Pass'd in Council, viz. In Council, *December 23. 1725.* Read and sent down.

Read and Committed to the Committee for Petitions. [ 92 ]

An Accompt of Mr. Agent *Cooke*, of his Expence in the Agency, till his Return Home. Read and Committed to the Committee for Muster-Rolls.

*Ordered*, That Mr. *Lindall*, go up with a Message to the Honourable Board, to inquire, Whether they have pass'd on a Vote of the House for the Grant of a Tract of Land at *Penny-Cooke*, by Concurring or Non-Concurring.

Who Returned that the Board informed him that the Question was put, *Whether they would Re-consider their Vote for Referring the said Vote of the House to the Consideration of the May Session?* And it pass'd in the Negative.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

**Veneris Die 24. Decembris, A. D. 1725.**

**M**R. Speaker Communicated a Letter Dated, *December 23d. 1725.* from the Committee appointed by this Court at their Session in *March 1721.* to prepare a more perfect Index for the Law Book, and at the Charge of the Province, which Service they have Compleated, but as yet they have Received nothing therefor Read, and *Resolved*, That the Sum of *Twelve Pounds* be allowed and paid out of the Publick Treasury to *Addington Davenport Esq*; to be by him paid to the Committee that performed the Service within mentioned, according to the time of their attendance.

Sent up for Concurrence.

An Accompt of *William Dudley Esq*; from the Committee of this Court appointed *Anno, 1720.* to make Sale of 10,000 Acres of the Province Land, lying between *Oxford, Leicester* and *Brookfield*, amounting to *l 516 8 s.* with a Receipt from Mr. Treasurer *Allen*, Dated, *Boston, May, 17th. 1725.* for the Ballance



of the said Accompt. Read and Accepted and *Resolved*, That the Committee, the Accomptants, be and hereby are discharged from the said Sum of *Five Hundred and Sixteen Pounds, Eight Shillings* accordingly. Sent up for Concurrence.

*Resolved*, That His Majesties Justices of the Superiour Court of Judicature, Court of Assize, and General Goal Delivery, be and hereby are fully Authorized, Directed and Impowred from time to time, to Certifie to the Clerks of the Several Courts of General Session of the Peace within this Province, Respectively, of the Services which may be done by the Clerks of the said Court of Judicature, &c. for the future, in Issuing out *Venires* for the Choice of Jury Men, Respectively, in Order for their being allowed *One shilling and Six Pence* for each *Venire*, that so the Justices of the Courts of General Sessions of the Peace may Order Payment thereof out of the County Treasuries accordingly, as well as any other necessary Charges.

Sent up for Concurrence.

An Accompt of *Benjamin Rolfe* for Writing in the Service of this Province, from *May 1725. to November*, amounting to *l. 8 7 s. 6 d.* Read and *Resolved*, That the Sum of *Eight pounds seven shillings and six pence*, be allowed and paid out of the Publick Treasury to the Accomptant *Benjamin Rolfe*, in full discharge thereof.

Sent up for Concurrence.

*Ordered*, That Major *Moodey*, go up with a Message to the Honourable Board, to desire they would please to Send down their Vote, for Referring the Vote of the House for the Grant of a Tract of Land at *Penny-Cooke*, to the *May* Session, that so the House may pass thereon. Who Returned he delivered the Message.

An Accompt of *Richard Hubbard*, amounting to *l. 5 1 s.* being for sundry Disbursements in the Service of this Province. Read and *Resolved*, That the Sum of *Five pounds and one shilling* be allowed and paid out of the Publick Treasury to the Accomptant *Richard Hubbard*, in full discharge thereof.

Sent up for Concurrence. [ 93 ]

### Post Meridiem.

*Ordered*, That a Message go up to the Honourable Board by Col. *Chandler*, to inquire Whether any thing is like to come down this Afternoon; the House having no business before them.

*Paul Dudley Esq;* brought down a Message from the Board in Writing, viz. In Council, *December 24th. 1725. Inasmuch as several Votes relating to the Support and Maintenance of the President of Harvard College, have pass'd at the Board & House, and Nothing yet agreed on:*

The Board taking this Matter into further Consideration, a difficulty arose lest they should not aright conceive or apprehend what or how much the House intended by a sufficient and honourable Support and Maintenance for the said President; Do therefore desire the Honourable House to Express, Whether by the Incomes and Revenues of the *College*, They take in the Rents of *Massachusetts-Hall* for Five Years past, the *Hundred and Fifty Pounds* already advanced and paid Mr. President, together with the Rents of *Massachusetts-Hall*, for a Year in their Computation, for a sufficient and honourable Maintenance.

*J. Willard*, Secr.

*William Tailer* and *Penn Townsend Esqrs*; brought down the following Message from the Board, viz.

In Council, **December** 23. 1725.

*T H E Board taking into Consideration a Vote of the Honourable House of the 16th of November last, (but lately published) Relating to the Payment of Four Muster-Rolls of the Marching Companies of Voluntiers, in the Recess of the Court; and being sensibly affected to find their Conduct in that Affair so Misrepresented to the World, judge themselves under a Necessity to set that Matter in a true Light, and thereby to free themselves from the Imputation laid upon them.*

*A N D in Order thereto*, The Council allow that the said Rolls were paid in the Recess of the Court, notwithstanding the Proviso in the Resolve for the Supply of the Treasury, That Muster-Rolls should be first pass'd upon by the General Court.

*B U T* the Case being so, That those Companies having perform'd their March, and Knowing that Capt. *Lovewell's* Company in the like Case had been Twice paid their Wages on their Return, (and to which no Objection was made) came back with Expectation of being paid, as others had been before them; To have then Refused them Payment, and to have put them off till the General Court should meet, would have been effectually to Discourage, not only those Companies from further Service: (They declaring they could not fit out and proceed upon a Second March, which was designed for them, without their Pay;) But would have been also a Means to prevent others from Enlisting for the Future; Wherefore it being absolutely necessary for His Majesty's Service, and for the Defence & Safety of this Province, that they should have prompt Payment; the Board is thereby sufficiently Vindicated for Consenting to it.

*A S* to the Objection of the Officers and Soldiers on Capt. *Willard's* Roll, not being Entitled to the extraordinary Pay design'd for such as should March into the Enemies Country, It being said, *That they did not March at a Distance from the Frontiers, but kept within the Range of the Common and Ordinary Scouts*: — It may be justly answered, That the said Company was not only raised upon

the Encouragement for Voluntiers, but did actually March out beyond the Range of the Common Scouts, and into the *Indians* usual Hunting Ground, and where they were likely to be Met withal. And as to the several Sick Men mentioned to have received above *Nine Pounds* each, and to have been in the Service but One Week, Capt. *Willard* himself informs, That [ 94 ] besides the Time allowed for Fitting out the said Men, having March'd with him about a Week, and falling Sick, they were sent back; but at their Return, were Order'd by His Honour the Lieut. Governour upon a Scout without *Rutland*, (which saved the Impressing of so many Men; And that they continued in that Service till his Return, tho' they were hindred by Sickness from Proceeding with him; so that they were not paid the abovesaid Sum for a Weeks Service, as is Suggested.

*A S to a further Objection, That several Men received Nine Pounds each, who did no Duty or Service; The Board give for Answer, That Capt. Willard and Capt. Wyman made Oath, That the Men born on their respective Rolls were in actual Service the Time for which they stood Enter'd, Allowing Fifteen Days for Fitting out, Except some few Sick Men that return'd. Capt. White made Oath to the same Effect, Excepting One Sick Man; and Capt. Blanchard, without any Exception of Sick Men: Now if it be Considered, That those few Sick Men required the same Time to fit themselves out, as others did, That they March'd as far as they could till disabled by Sickness, and obstructed by frequent and extraordinary Rains, That some further Time was spent in their Return: It can't be justly said that they did no Duty or Service, and were not Entitled to any Pay.*

*A S to the last Objection, That the Men were Enter'd in Pay Fifteen Days before they March'd; It is Answered, That the Captains inform'd the Board, That the Soldiers being apprized of a Vote of the Honourable House in June last, for Allowing to Voluntiers a convenient Time for Fitting out, not exceeding Fifteen Days, They took it for Granted that such a Space was allowed them; And therefore Insisted upon it as a Condition of their Enlisting; And that the Captains had given them Encouragement it should be so; Whereby the Board was induced to allow of it. And as to the farther Time the Captains were Enter'd, They assured the Board, That besides a considerable Expence of Money, They were employed the Whole of it in Raising their Companies; So that the said Allowance being founded upon a Vote of the House as aforesaid, there was no just Cause to complain of it; Or that the Board should be charged with so great Misapplication of the Publick Money.*

*U P O N the Whole, When it shall be considered, How different the Case is from the Representation made of it, and How great and indefatigable Pains, the Board had taken for the Publick Service in the Recess of the Court, They might have rather Expected the Thanks of the House than their Reproaches;*

And the Board apprehend, That the Publication of the Remonstrance herein refer'd to, has a direct Tendency to bring the Council into Disrepute, and to produce an uncomfortable Alienation and Distance between the Board and the Honourable House, Which the Board judge ought by all Means to be Avoided.

*J. Willard, Secr.*

Read.

A Message from His Honour the Lieutenant Governour by Mr. Secretary, *viz.* Mr. Speaker, It is the Pleasure of His Honour the Lieut. Governour, That this Great and General Court should be Adjourned to *Tuesday* next Ten a-Clock before Noon, and then Mr. Secretary declared, That the said Great & General Court or Assembly was Adjourned to *Tuesday* next Ten a-Clock before Noon accordingly.

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B O S T O N : Printed by *B. Green* and *S. Kneeland*,  
Printers to the Honourable House of Representatives. 1 7 2 5. [ 95 ]



# V O T E S

## Of the House of Representatives.

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*Martis Die 28. Decembris, A. D. 1725.*

**M**R. Secretary *Willard*, brought down an Engross'd Bill Entitled, *An Act in Addition to the several Acts or Laws of this Province, for the Regulation of the Civilized Indians Inhabiting this Province, and preventing Oppression and Abuses to them.*

### *Post Meridiem.*

An Engross'd Bill Entitled, *An Act in Addition to the several Acts or Laws of this Province, for the Regulation of the Civilized Indians Inhabiting this Province, and preventing Oppression and Abuses to them.*

Read and *Resolved*, That the Bill pass to be Enacted.

*Samuel Thaxter* Esq; brought down the following Vote of Council, viz. In Council, *December 28th. 1725.* Ordered, That *Nathaniel Byfield, John Clarke* and *Elisha Cooke* Esqrs; be a Committee of this Board to confer with a Committee of the Honourable House of Representatives upon the Subject Matter of the Regulation of Settlements on the Frontiers. The Committee to meet forthwith.

Sent down for Concurrence. Read and Concur'd, and *Ordered*, That Mr. *Thomas Cushing*, Mr. *White*, Mr. *Shove*, and Mr. *Wilder* be a Committee of the House, for the Affair above.

*Ordered*, That Mr. *Cushing*, Mr. *White*, Mr. *Shove*, and Mr. *Wilder*, be a Committee of the House, to Confer with a Committee of the Honourable Board, upon the Subject Matter of a Grant of Land for a Township on *Merry-mack River*, at a Place called *Penny-Cooke*. The Committee to Sit forthwith.

Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Ten a Clock.

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*Mercurij Die 29. Decembris, A. D. 1725.*

**A** Bill Entitled, *An Act in further Addition to the several Acts or Laws of this Province, Relating to the Office and Duty of a Coroner.*

Read three several times and pass'd to be Engross'd.

Sent up for Concurrence.

An Accompt of Col. *John Appleton*, amounting to *l. 4 10s.* being for Subsisting sundry Soldiers, in the Service of this Province five days in *June 1724.* Read, and *Resolved*, That the Sum of *Four pounds ten shillings*, be allowed and paid

out of the Publick Treasury to the Accomptant Col. *John Appleton*, in full discharge of the said Accompt. Sent up for Concurrence.

An Accompt of *William Gerrish*, of *Newbury*, amounting to 15 s for Riding Express to *Portsmouth*, Certified by Col. *Thomas Noyes*. Read and *Resolved*, That the Sum of *Fifteen shillings*, be allowed and paid out of the Publick Treasury to Capt. *Henry Rolfe*, to be by him paid to the Accomptant *William Gerrish*, in full discharge thereof. Sent up for Concurrence. [ 96 ]

A Petition of *Joseph Hiller* of *Boston*, shewing, That he Proclaimed the Laws that were made by this Government, from the Year 1714. to the Year 1718. for which he has had no allowance, that he has since the Year 1722. done considerable Service for the Publick, and has attended the Honourable Commissioners Appointed to treat with the Indian Delegates, from the 16th. of *November* to the 15th. Instant; praying, for such allowance for the said Services, as to the Wisdom and Goodness of this Court shall seem meet, for the Reasons therein mentioned.

Read and Committed to the Committee for Petitions.

### Post Meridiem.

Mr. Secretary *Willard* brought down the Petition of the Children and Legatees of the late Governour *Dudley*, Deceased, with a Message that the Board were of Opinion, that the Word — Southerly — in the Vote on the said Petition should be withdrawn, & that the House would Concur therein — *Voted*, That the Word — Southerly — in the said Vote be withdrawn.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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# VOTES

## Of the House of Representatives.

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Jobis Die 30. Decembris, A. D. 1725.

**C**OL. Stoddard from the Committee for Petitions, Reported, On the Accompt of Mr. *Benjamin Eliot*, as Entred the 23d. Which was Read and Resolved, That the Sum of *Twenty five pounds seventeen shillings and seven pence* be allowed and paid out of the Publick Treasury to the Accomptant *Benjamin Eliot*, in full discharge thereof. Sent up for Concurrence.

On the Memorial of *Richard Kent* Esq; as Entred the 30th of *November*. Which was Read and Accepted and Resolved, That the Sum of *Five Pounds fourteen shillings* be allowed and paid out of *Haverhill* Town Treasury to *Richard Kent* Esq; in full discharge thereof. Sent up for Concurrence.

On the Petition of *James Woodside*, as Entred the 11th Currant. Which was Read and Accepted, and Resolved, That the Sum of *Fifty Shillings* be allowed and paid out of the Publick Treasury to the Petitioner *James Woodside*, in full discharge thereof. Sent up for Concurrence.

On the Accompt of Col. Thomas Westbrooke, as Entred the 18th Currant. Which was Read and Accepted, and Resolved, That the Sum of *Thirty six pounds thirteen shillings and two pence* be allowed and paid out of the Publick Treasury to Col. *Thomas Westbrooke*, in full discharge of the within Accompt; and that the Sum of *Forty-four shillings and Eight pence* be deducted from the Sloop Flower's next Muster-Roll *Simon Slocum* Master, being for Oars said *Slocum* received, and charged in the within Accompt. Sent up for Concurrence.

On the Petition of *Joseph Hiller*, as Entred Yesterday. Which was Read and Accepted, and Resolved, That the Sum of *Seven Pounds* be allowed and paid out of the Publick Treasury to the Petitioner, in full for the Services mentioned in the Petition. Sent up for Concurrence.

On the Accompt of Mr. Sheriff *Winslow*, for Expence on the *Indian* Delegates, &c. While at *Boston*, as Entred the 23d. Which was Read and Accepted, and Resolved, That the Sum of *Ninety one pounds two shillings and one penny* be allowed and paid out of the Publick Treasury to the Accomptant *Edward Winslow* Esq; to be by him paid to the Persons to whom the same is due, in full discharge of the said Accompt.

Sent up for Concurrence.

On the Petition of *Nathaniel Dickenson* of *Hatfield*, as Entred the 29th. The Committee are of Opinion, That the Petition be referred to the Session of this Court in *May* next; That the Petitioner may have Opportunity to produce Vouchers to support his Petition. Read and Accepted, and Voted, That this Petition be referred to the *May* Session accordingly.

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**Post Meridiem.**

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Accompt of Expende of Mr. Agent *Cooke*, as Entred the 23d. Which was Read and Accepted, and *Resolved*, That Mr. Treasurer *Allen*, be impowred and directed to procure and [ 98 ] remit to Mr. *Francis Wilks*, Merchant in *London*, as soon as may be, a sufficiency of such Effects as he shall judge most for the Publick Advantage, as that the Net proceeds thereof may amount to the Sum of *Two Hundred and Fifty four pounds Eighteen shillings and seven pence*, Sterling, to be by the said *Wilks* disposed of and paid according to the Orders and Directions he shall receive from Mr. Agent *Cooke*, to discharge the Accompt. Sent up for Concurrence.

*Symonds Epes* Esq; brought down the Report of the Committee of both Houses appointed the 14th Currant to repair to *Framingham*, and View the Place proposed for the Building a Meeting House there: Signed *Samuel Thaxter* by Order of the Committee. Pass'd in Council, *viz.* In Council, *December 30th. 1725.* Read and Ordered, That this Report be Accepted, and that the Meeting-House proposed to be Built in the Town of *Framingham* be placed accordingly.

Sent down for Concurrence. Read and Concur'd.

A Memorial and Petition of sundry of the Representatives of the County of *Essex*, setting forth, That the Town of *Ipswich* is the Center of the said County of *Essex*, and is very well Scituated for keeping of the Registry of Deeds therein, and accommodable for the Freeholders to Travel there to carry their Deeds to Record, and Returning Home, by reason of its being in the Middle of the said County, as aforesaid; praying, That the Freeholders of the said County may from time to time hereafter be allowed to Choose a proper Person to be Register of Deeds there, who may be an Inhabitant of the Town of *Ipswich*; and that the said Choice may be held and accounted good and valid in the Law, for the Reasons therein mentioned.

Read and *Resolved*, That the prayer of the Petition be granted: Any Law, Usage or Custom to the Contrary notwithstanding. Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Ten a.Clock.

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**Veneris Die 31. Decembris, A. D. 1725.**

**S***ymonds Epes* Esq; brought down the Memorial of *Richard Kent* Esq; with the Vote of the House thereon, as Entred Yesterday. Pass'd in Council, *viz.* In Council, *December 30th. 1725.* Read and Concur'd with the



Amendment, *viz. Dele* — out of *Haverhill* Town Treasury — and *add* — by the Town of *Haverhill*.

Sent down for Concurrence.

Read and Concur'd.

Mr. *Lewis* from the Committee for Muster-Rolls, Reported, On the Accompt of Capt. *John Gerrish*, as Entred the 17th. Currant, The Committee having Examined the within Accompt of Capt. *John Gerrish*, for cleaning the Province Arms, &c. are of Opinion, That the Charge of Two Shillings *per* Musket and Pistol for cleansing, is by far too much, and therefore have Reduced them to Twelve Pence each, and the Swords and Cutlashes to Six Pence each, which takes off from this Accompt *l. 37 7 s. 5 d.* which being deducted, that the Remaining Sum being *l. 70 10 s. 10.* be allowed and paid out of the Publick Treasury to the Accomptant Capt. *John Gerrish*, in full discharge thereof. Read and Accepted and *Resolved*, That the Sum of *Seventy pounds ten shillings and ten pence*, be allowed and paid out of the Publick Treasury to the Accomptant Capt. *John Gerrish*, in full discharge thereof.

Sent up for Concurrence.

On the Memorial of *Ame Printer jun.* as Entred the 22d. Which was Read and Accepted and *Resolved*, That the Sum of *Thirty two shillings* be allowed and paid out of the Publick Treasury to Capt. *Samuel Willard*, to be by him paid to the Memorialist *Ame Printer jun.* in full for the Eight Days Service within mentioned.

Sent up for Concurrence. [ 99 ]

*Resolved*, That the Sum of *Thirty two shillings* be allowed and paid out of the Publick Treasury to Mr *Thomas Bancroft*, of *Reading*, to be by him paid to his Son *Thomas Bancroft*, a Soldier born on Capt. *Joseph Blanchard's* Muster-Roll, so much being struck off from his Wages on said Roll by Mistake.

Sent up for Concurrence.

A Memorial of Capt. *Thomas Baker* of *Brookfield*, shewing, That in the Year 1721. he was Expressed to *Canada*, in the Service of this Government, and performed the Business he was sent upon, praying, that he may have some further allowance made him out of the Publick Treasury for the same than what he has already had, for the Reasons therein mentioned.

Read and Committed to the Committee for Petitions.

The House proceeded to consider of the Several Members that had not attended their Duty in the House this Present Session, and passed the several Fines upon them for their Delinquency, as follows, *viz.*

Mr *John Oulton*, for Four Days Absence *l. 1*

*Subael Gorham* Esq; for Ten Days Absence *l. 2 10 s.*

Mr. *John Snow*, for Thirty Days Absence *l. 7 10 s.*

*Resolved*, That the Several Members of this House as above mentioned be and hereby are Fined, in the Sums particularly affixed to their Names as afore-

said, for their Absenting themselves from, and not attending their Duty in this House, as by Law they were obliged to do, and that the Clerk of the House be directed to acquaint the said Gentlemen of this Resolve, and that if they do not pay their Fines to him, within Twenty Days after the Rising of this Court, that he then send an Execution for the Recovery of the same.

*Ordered*, That Col. *Chandler* go up with a Message to the Honourable Board to desire they would send down the Report of the Committee of both Houses on the Affair of the College, with the Votes that have passed thereon.

*John Cushing*, Esq; brought down the said Report, &c. Read, and the Question was put, *Whether the House will Re-consider their Votes on the said Report?*

Resolved in the Affirmative.

### Post Meridiem.

*Resolved*, That the Sum of *Seventy Pounds* be allowed and paid out of the Publick Treasury, to the Reverend Mr. *Benjamin Wadsworth*, President of *Harvard College*, which with the Sum of *One Hundred & Fifty Pounds*, granted to the said Mr. President *Wadsworth*, the last Session of this Court, and the Sum of *One Hundred and Thirty nine Pounds*, so much Remaining in the Hands of the Corporation of the said College, being for the Rent of *Massachusetts-Hall* for the first Five Years, Exclusive of all Charges and Repairs thereon, together with the Sum of *Forty One Pounds* of the Rent of the said *Massachusetts-Hall* for the Year Currant, which this Court do hereby Appropriate and Order to be paid to the said Mr. President *Wadsworth*, making in the whole the Sum of *Four Hundred Pounds*, the Court are of Opinion is a Sufficient and Honourable Support and Maintenance for him the said President for One Year; and that the said Mr. President *Wadsworth* may be further Encouraged cheerfully to go through the Momentous Affairs of his Office, It is further *Resolved*, and this Court do freely Give, Grant and Appropriate the future Annual Rents, and Incomes of *Massachusetts Hall* to him the said Mr. President *Wadsworth*, for and during the time of his Continuance in the said Office towards his Honourable Maintenance and Support: And Whereas there is not at present any Convenient House provided for the Reception and Entertainment of the President of the said College for the future, and the Court being willing and desirous to Repeat their Intentions and Inclinations in all things for the Prosperity of that Society, and that the same may still Flourish under the Divine Influence: It is also *Resolved*, That the Sum of *One Thousand Pounds* be allowed and paid out of the Pub-[100]lick Treasury to the Corporation of *Harvard College*, and by them to be forthwith used and disposed of, for the Building and Finishing a handsome Wooden Dwelling House, Barn, Out-Housen, &c. on some part of the Lands Adjacent and belonging to the said College, which is for the Recep-

tion and Accommodation of the Reverend the President of *Harvard College*, for the time being. And it appearing by the Accompts rendred by the said College Treasurer, that there has been occasion to disburse very considerable Sums of Money the Year past, out of the Incomes and Revenues of the said Colleges Estate partly to the resident Fellows before the Election of Mr. President *Wadsworth*, and other Charges occasioned for Repairing the Ways at *Charlestown*, for the better Accommodation of Travellers passing over the Ferry at *Charles River*, which it is to be hoped there will not be the like occasion for the future; The Corporation will be able to Grant such Allowances out of their Unappropriated Incomes and Revenues, which will in a great Measure Support and Honourably Maintain the Reverend President; and this Court will not have Occasion to make such drafts on the Publick Treasury as they have done, for the present Year, for his Support and Maintenance, which they have made for the aforesaid Reasons. Sent up for Concurrence.

A Message from the Board by *John Clark* Esq; to inquire if any business was like to be sent up this Afternoon.

Then the House Adjourn'd till to Morrow Morning Nine a-Clock.

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**Sabbati Die 1. Januarij, A. D. 1725.**

**A**N Accompt of Mr. *Westwood Cooke*, amounting to 21 s. 6 d. for Subsisting Nineteen Soldiers in *September* last, in passing to *Sunderland*, from *Suffield*, &c. Read and Resolved, That the Sum of *Twenty one shillings and six pence* be allowed and paid out of the Publick Treasury to the Accomptant Mr. *Westwood Cooke*, in full discharge thereof. Sent up for Concurrence.

Resolved, That the Sum of *Four Hundred Pounds* be allowed and paid out of the Publick Treasury, to *Elisha Cooke* Esq; in full for his Time and Service in the Agency.

Sent up for Concurrence.

*John Cushing* Esq; brought down a Petition of *Edmund Weld*, Administrator to the Estate of *Elizabeth* his late Wife Deceased. *Henry Hill* Guardian to the Children of *Benjamin White* Deceased, *William Payne*, Guardian to the Children of *Hannah* his late Wife Deceased, and *John Winchester*, Guardian to the Children of *Sarah* his late Wife also Deceased, which said *Elizabeth Weld*, *Benjamin White*, *Hannah Payne* and *Sarah Winchester*, were Brother and Sisters of *John White* late of *Boston* Gentleman, Deceased, shewing, That the said *John White* Dyed Siezed in Fee, and Intestate of sundry pieces of Land in *Littleton*, *Rutland*, and *Liecester*, four ninth parts whereof in Common and Undivided by Law, descends to the Children of the Persons aforementioned, who are Deceased, whom the Petitioners Represent, praying, That they may be allowed to make Sale of

the said Lands, with the other Owners, which will be much for the Interest and Advantage of the Minors, as well as the other Owners of the said Lands, which lie Waste and Unimproved, they having giving Caution to the Judge of Probate, to be Answerable for such Estate of the said Minors as shall come to their hands. Pass'd in Council, *viz.* In Council, *December 31st. 1725.* Read and Ordered, That the prayer of this Petition be Granted.

Sent down for Concurrence. Read and Concur'd.

*Thomas Fitch* Esq; brought down the Report of the Committee of both Houses, Appointed to Repair to *Newbury*, Respecting the New Parish there, with the Votes of both Houses thereon, as Entred the *9th.* of *December* past, which Accompanied a Message That the Board desired the words following might be added to the Vote, *viz.* — And that the Lands within the Bounds in the said Report described be set off a distinct and separate Precinct, and that the Inhabitants thereof be Vested with the Powers and Privileges that the Inhabitants of other Precincts are Vested with.

Read and *Ordered*, That the said Words be added to the said Vote.

Sent up for Concurrence. [ 101 ]

*Resolved*, That the Sum of *Thirty two shillings* be allowed and paid out of the Publick Treasury to *Zerobabell Snow* jun. of *Reading*, for so much due to him for Wages for his Servant's Service, *John Snow* a Soldier born on Capt. *Joseph Blanchards* Muster-Roll, which was casually omitted.

Sent up for Concurrence.

An Engross'd Bill Entitled, *An Act in further Addition to the several Acts or Laws of this Province, Relating to the Office of a Coroner.*

Read and *Resolved*, That the Bill pass to be Enacted.

An Engross'd Bill Entitled, *An Act for the Allowing Necessary Supplies to the Eastern Indians, and for Regulating Trade with them, and for the Repealing an Act Entitled, An Act to prohibit Trade and Commerce with the Eastern Indians, made and pass'd in the Eighth Year of His present Majesties Reign.*

Read and *Resolved*, That the Bill pass to be Enacted.

Col. *Stoddard* from the Committee for Petitions, Reported, On the Memorial of Capt. *Thomas Baker* of *Brookfield*, as Entred Yesterday, which was Read and Accepted, and thereupon *Resolved*, That the Sum of *Twelve Pounds two shillings* and *eleven pence* be allowed and paid out of the Publick Treasury to the Memorialist, Capt. *Thomas Baker*, in full Satisfaction of his Services and Expences mentioned therein.

Sent up for Concurrence.

A Message from the Board by *John Clark* and *Thomas Fitch* Esq; That the Board had Concur'd with the Vote of the House for the Reverend President of *Harvard College*, his Support and Maintenance, and the Sum granted for Building a House, but the Board were of Opinion, it would be best for the Corpora-



tion to be at Liberty for the Disposal of the *l.* 1000 either to Build or Buy a House for the President, as their Prudence shall direct and guide them.

The House Entred into the Consideration of the above Message, and the Question was put, *Whether the Corporation shall be at Liberty to dispose of the l. 1000 either in Buying or Building a House for the President, as proposed by the Honourable Board?*

It pass'd in the Negative.

A Petition of Mr. *John Blanchard*, Representative of the Town of *Billerica*, in behalf of the said Town, praying, That the Quantity of Seven Thousand Acres of Waste and Unappropriated Lands may be granted to the said Town for the Reasons therein mentioned. Read, and the Question was put, *Whether the prayer of the Petition shall be granted?* It pass'd in the Negative.

*William Taler, Nathaniel Byfield, Addington Davenport, John Clark and Thomas Hutchinson Esqrs;* brought down the following Vote of Council, *viz.* In Council, *January 1st. 1725. Whereas this Board has received certain Information that Mr. Gershom Woodell, One of the Members of the House of Representatives has Clandestinely obtained from Mr. Secretary Willard's Clerk, a Letter from Charles De Faye Esq; Secretary to Their Excellencies the Lords Justices, directed to His Honour the Lieutenant Governour upon very important Matters, with a Design, as is reported, to put the same in Print, in Affront to the King's Majesty, the Dishonour of this Government, and tending to the Disturbance of His Majesty's Subjects of this Province;*

*Voted,* That a Message be sent down to the Honourable House of Representatives, to desire they would bear a proper Testimony against such an Evil practice, and to Use their Endeavours that any Copies of the said Letter that may have been taken, be re-called and suppressed.

Read. [ 102 ]

*J. Willard, Secr.*

The House entred into the Serious Consideration of the above Message and Mr. Speaker at the desire of the House asked the said *Gershom Woodell* several Questions respecting his obtaining the Letter mentioned in the above Message, and his suffering Copies to be taken of the same, to which he would not (tho' urged thereto) give any direct Answer. The House directed Mr. Secretaries Clerk to Appear before them; And Mr. Speaker asked him several Questions touching his delivering Mr. *De La Fays* Letter, by Order of the Lords Justices, to Mr. *Woodell*; to which he Answered, and then withdrew. And then Mr. Speaker by Order of the House, further Interrogated the said Mr. *Woodell* about his Obtaining the said Letter, &c. to which he would not give any direct Answer; and then the House *Ordered*, That the said Mr. *Gershom Woodell* do withdraw from the House, and he did accordingly withdraw, and the House having further Considered of the subject Matter of the said Mes-

sage, as well as the indirect Answers of Mr. *Woodell* to the Questions asked him respecting the same, the House came in to the following Resolution; (Mr. *Woodell*, and the Messenger of the House being admitted into the House,) The said Resolve was Read, *viz.*

In the House of Representatives, **January 1.** 1725.

*Inasmuch as the House are informed by a Message from His Honour and the Honourable Board, That Mr. Gershom Woodell, one of the Members of this House hath Clandestinely obtained a Copy of a Letter from their Excellencies the Lords Justices, and spread about Copies of the same, in Affront to the King's Majesty, the Dishonour of the Government, and Disturbance of His Majesty's Subjects:*

*Resolved,* That the said *Gershom Woodell* be Committed to the Custody of Mr. *John Darrel*, who is hereby Appointed and Constituted the Messenger of the House, in order for the safe keeping the said *Gershom Woodell*, until the further Order of the House.

*W. Dudley*, Speaker.



Then the House Adjourn'd till Monday next Three a-Clock Afternoon.

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B O S T O N : Printed by **B. Green** and **S. Kneeland**,  
Printers to the Honourable House of Representatives. 1 7 2 5 . [ 103 ]

# VOTES

## Of the House of Representatives.

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Lunæ Die 3. Januarij, A. D. 1725.

**I**NASMUCH as the Indian War is at an End before the Expiration of One Year, from the providing of Snow-Shoes, &c. in and by a Resolve pass'd in December 1724. Resolved, That the said Snow-Shoe Men be not Entitled to the Three Shillings, mentioned in the said Resolve, for keeping their Snow Shoes and Moggasins in good Repair fit for the Service for one Year.

Sent up for Concurrence.

A Petition of Capt. John Vinton, Inhabitant of the Town of Stoneham, praying, That some person may be directed and impowred to Summon the Inhabitants of the said Town to meet some time in the present Month of January, to Chose a Moderator and a Committee, to provide Timber and Plank, for Building a Meeting-House in said Town, as soon as may be, for the Reasons given. Read, and Ordered, That the prayer of the Petition be granted, and that the Petitioner be directed and impowred to Summon the Inhabitants of the Town of Stoneham, to Assemble accordingly.

Sent up for Concurrence.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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Martis Die 4. Januarij, A. D. 1725.

**W**HEREAS upon Examination of Mr. Stephen Greenleaf, the Secretaries Clerk, it appears to this House, that he delivered a Copy of Mr. De La Fayes Letter by Order of their Excellencies the Lords Justices, to His Honour the Lieut. Governour, to Mr. Gershom Woodell, a Member of the House, who carried the said Copy so have it transcribed by another hand, and in about two Hours Returned it again, and gave the said Greenleaf a Ten Shilling Bill for the use of the same: And that the said Greenleaf some time in the Month of June past, took a Copy of the Memorial and Address of the Rev. Ministers, presented the last Session of the Court, for holding a Synod, with the Order of the whole Court thereon, and delivered the same by order of the said Woodell, to John Checkley of Boston, (altho' the Secretary had refused to give the said Woodell a Copy thereof in hearing of his Clerk) for which he Received of the said Woodell Five Shillings, and that it was Customary for the said Greenleaf to Receive Money's more or less of the said Woodell, every Session of this Court, for his looking over the Files, or Papers, in the said Office, and often at the said Woodell's Request, Reading the same to him.

*Voted*, That the Examination above, be sent up to the Honourable Board, for their Information.

The House then Entred into the Consideration of the Offence of Mr *Gershom Woodell*, Communicated by Message from the Honourable Board the 1<sup>st</sup>. Currant, and directed Mr. *Woodell* to attend the House, and after a long Examination of him and the Secretary's Clerk, and others knowing of his divulging Mr. *De La Feyes* Letter, by Order of their Excellencies the Lords Justices. The House came into the following Determination, *Viz.* [ 104 ]

*Resolved*, That Mr. *Gershom Woodell*, by divulging a Letter from Their Excellencies the Lords Justices, to his Honour the Lieut. Governour, has in a Publick Manner Affronted His Majesty's Lieut. Governour, and acted contrary to the known and declared Mind of this House, which is very inconsistent with the Honour and Trust that becomes a Member thereof, and that he be called in and sharply Reprimanded by Mr. Speaker, for his said Offences, and that upon his Humbly Confessing his Fault to His Honour the Lieut. Governour, and obtaining his Forgiveness therefor, and Asking Pardon of the House, in Writing, for the Dishonour he has cast on them, with a Promise for his better Behaviour for the future, which the House Expect from him: That he be Restored to his Place again.

### Post Meridiem.

An Accompt Signed *Rebecca Holmes*, amounting to *l. 50 2 s. 6 d.* being for Entertaining the Commissioners Appointed to Treat with the Indian Delegates, and also the said Delegates, the Expences of several Committees of the Court, in their Present Session, &c.

Read and *Resolved*, That the Sum of *Fifty Pounds two shillings and six pence* be allowed and paid out of the Publick Treasury to the Accomptant *Rebecca Holmes*, in full discharge thereof.

Sent up for Concurrence.

A Petition of *Saccaristis*, the Indian Hostage, praying, That he may no longer be Confined to His Majesty's Castle *William*, but permitted to Reside at *Boston*, for the Reasons therein mentioned. Read and Sent up.

*Benjamin Lynde* Esq; brought down a Bill Entitled, *An Act for Regulating and Restraining Settlements in the Frontiers of this Province*. Pass'd in Council, *viz.* In Council, Read three several times and pass'd to be Engross'd.

Sent down for Concurrence. Read a first time.

Then the House Adjourn'd till to Morrow Morning Ten a Clock.

### Mercurij Die 5. Januarij, A. D. 1725.

**I**N A S M U C H as matters of very great Consequence to the Welfare and Privileges of His Majesty's Subjects, the Inhabitants of this Province, still remain not acted upon, and the Present Session of the Great and General Court



*having continued to a more than Ordinary length, and many Members of the Court being Absent:* Therefore, *Voted*, That a Message be sent to His Honour the Lieut. Governour, to desire he would please to Adjourn the Court for a Month, or some small space of time, as His Honour shall see cause, and that His Honour would please to Order the strict Attendance of Every Member of the Court to his Duty, for the Reasons aforesaid.

*Ordered*, That Col. *Chandler*, Mr. *White* and Capt. *Goddard*, go up with a Message to His Honour the Lieut. Governour, to inquire if His Honour has pass'd upon all the *Acts, Orders* and *Resolves*, which have pass'd both Houses this Session, who Returned, That His Honour said he had passed on all things which have been laid before him this Session.

*Resolved*, That the Sum of *Four Hundred and Fifty Pounds*, be allowed and paid out of the Publick Treasury, to His Honour WILLIAM DUMMER Esq; Lieutenant Governour and Commander in Chief, of this His Majesty's Province, for His Support, to Enable Him to Manage the Affairs of the Government.

Sent up for Concurrence.

*Resolved*, That the Sum of *One Hundred and Forty Pounds* be allowed and paid out of the Publick Treasury, to *Josiah Willard* Esq; Secretary of this Province, for his Extraordinary Service the Year past: And That the further Sum of *Sixty Pounds* be [ 105 ] allowed and paid out of the Publick Treasury to the said *Josiah Willard* Esq; in Consideration of the Publick Affairs at this time, calling for sundry things to pass that Office, Necessarily Requiring a more strict Attendance from him to Effect those Matters, many of which have no Stated Fee or Allowance.

Sent up for Concurrence.

*Resolved*, That the Sum of *Forty Pounds* be allowed and paid out of the Publick Treasury to *Jeremiah Allen* Esq; Treasurer and Receiver General of this Province for his Extraordinary Service therein, in the Present Year.

Sent up for Concurrence.

*Resolved*, That the Sum of *Forty Pounds* be allowed and paid out of the Publick Treasury to *John Wainwright* Esq; Clerk of the House for his Service the Year Currant.

Sent up for Concurrence.

*Resolved*, That the Sum of *Twenty Pounds* be allowed and paid out of the Publick Treasury to *John Wainwright* Esq; Clerk of the House for his trouble in preparing the Votes for the Press.

Sent up for Concurrence.

*Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the Publick Treasury to *Thomas Hutchinson* Esq; for the use of the Reverend Chaplain of the Honourable Board, for his Service the Year past.

Sent up for Concurrence.

*Resolved*, That the Sum of *Ten Pounds* be allowed and paid out of the Publick

Treasury to Mr. *Ezekiel Lewis*, to be by him paid to the Reverend Mr. *Thomas Prince*, who has Officiated as Chaplain to the House the Year past, with the Thanks of the House for his said Service. Sent up for Concurrence.

*Resolved*, That the Sum of *Forty Pounds* be allowed and paid out of the Publick Treasury to Mr. *Richard Hubbard*, Door-Keeper to this Court, for his Service for half a Year which will determine the Nineteenth of *February* next.

Sent up for Concurrence.

A Message from His Honour the Lieutenant Governour by Mr. Secretary. *Viz.*

GENTLEMEN of the House of Representatives.

**P**URSUANT to Your Desires I have given Orders for the Reduction of the Forces, but notwithstanding the Submission of the Eastern Indians, the Western Frontiers may be greatly annoyed by the Meseesqueag, or Scatacook Indians, whom we have not seen since the Overtures of Peace, and therefore it is needful that a more prudent and discreet Person, should have the Command at Fort Dummer, than can be obtained for Serjeants Pay. I therefore think it will be for the Publick Service, that Lieutenants Pay be allowed to the Commander of that Garrison, who is the only Officer in the Western Frontiers, who is a very able Person, and fit for that difficult Post.

Jan. 5th. 1725.

Wm. DUMMER.

*Resolved*, That the Sum of *Thirty Pounds*, be allowed and paid out of the Publick Treasury to *Nathaniel Byfield Esq*; as he is Agent for the Children and Heirs of the late President *Leverett*, and is for Nine Months Rent of the said Mr. President *Leveretts* Mansion House and Homestead, &c. at *Cambridge*, hired by a Committee of this Court in their last Session. Sent up for Concurrence.

Upon Reading His Honours Message this Morning Respecting the Officer at Fort Dummer, and the House taking the same into Consideration. *Resolved*, That Lieutenants Pay be allowed to the Commanding Officer at Fort Dummer, until the Setting of this Court in their *May* Session. Sent up for Concurrence.

A Bill Entitled, *An Act for Regulating and Restraining Settlements in the Frontiers of this Poovince*. Read a second time, and the Question was put, *Whether the Bill shall have a third Reading?* It pass'd in the Negative.

[ 106 ]

*Ordered*, That the Messenger of the House be directed to Attend with Mr. *Gershom Woodell*, a Member of the House lately Committed to his Custody. The Messenger with Mr. *Woodell* were Admitted into the House, and Mr. Speaker informed Mr. *Woodell*, That upon his paying the Legal Fees to the Messenger, that he be discharged from his Custody. And then Mr. Speaker acquainted him with the following Resolve of the House. *Viz.*

*Whereas Mr Gershom Woodell continues in the willful Contempt of this House, and obstinate Refusal to Comply with the Orders thereof, in the denying and neglecting to Ask Forgiveness of the Kings Lieutenant Governour, for the Publick Affront offered to him, as well as utterly Refusing to Ask Pardon of the House, for the great Dishonour by his Actions cast upon them. Resolved, That the said Gershom Woodell, is not worthy any longer to continue a Member of this House, and therefore that he be, and he is hereby Expelled the same accordingly.* After which they withdrew.

### Post Meridiem.

Upon a Motion made concerning the Offences committed by Mr. Secretary's Clerk, and seconded by many Members, the Question was put, *Whether it is the desire of this House that Mr. Stephen Greenleaf, be discharged from Mr. Secretary's Service as Clerk to him any longer, for the Offences he has given?* Resolved in the Affirmative.

*Ordered, That Mr. Secretary Willard be directed to attend the House.*

Mr. Secretary attended accordingly, and Mr. Speaker acquainted him of their Vote Respecting his discharging his Clerk, Mr. Secretary declared, he should readily comply with the desire of the House.

*Resolved, That John Stoddard and Henry Dwight Esqrs; be a Committee to inquire into the Services done by John Smith & Samuel Barnard, Soldiers born on the Muster-Roll of the Hadley Scout, under the Command of Capt. Samuel Barnard, which Roll has passed in the Present Session, and that they Report to the House in their next Session, their Opinion of what may be due to the said Smith and Barnard for their Services.*

A Message from His Honour the Lieutenant Governour by Mr. Secretary, *Viz.*

GENTLEMEN of the House of Representatives,

**I** Have considered Your Message for My Adjourning the Court, and Communicated it to the Council, who are of Advice, That no Adjournment should be yet made. I must therefore desire You would Apply Your Selves to the Important Business you refer to, that so it may be brought to a speedy Conclusion, and I may be able to give such an Account of your Proceedings, as will be acceptable to His Majesty, and for the Welfare of the Province.

Jan. 5. 1725.

Wm. DUMMER.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

# VOTES

## Of the House of Representatives.

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Jobis Die 6. Januarij, A. D. 1725.

A Message from the Honourable Board by *Benjamin Lynde* Esq; that the Board had Concur'd the Vote of the House for a Conference, and desire it might be attended at Four of the Clock Afternoon.

*Ordered*, That Mr. *Remington*, Mr. *Lindal*, Mr. *Lewis*, Mr. *Cushing*, Major *Quincey*, Mr. *Wainwright*, Major *Moodey* and Mr. *Wilder*, be the Managers for the House at the Conference between the two Houses.

### Post Meridiem.

*Edmund Quincey* Esq; brought down the Vote of the House of the 17th. of *Decemb.* past, for the Grant of a Tract of Land at *Penny-Cooke*. Pass'd in Council, viz. In Council, *December 21st.* 1725. Read and Referred to the next *May* Session.

Sent down for Concurrence. with

A Message, That the Board desired the House to Concur with them in Referring the said Vote to the *May* Session. Read, and the Question was put, *Whether the House would Concur with the Honourable Board in Referring their Vote to the next May Session.* It pass'd in the Negative. And,

*Voted*, That the House Adhere to their own Vote with the Amendment, *Viz.*

Between the Words — by the Committee hereafter Named — and that the said Tract of Land — *add* — with a saving of the Right of all Persons by Virtue of any former Grant. Sent up for Concurrence.

A Message from the Honourable Board by *Benjamin Lynde* Esq; That the Board were ready to Enter into the Conference agreed to be had between the two Houses, and the Board desired the House would bring up with them the Explanatory CHARTER.

Mr. Speaker and the House went up to the Council Chamber with the Explanatory CHARTER with them, which was laid on the Council Board, and the Houses Conferred for several Hours, on the Great and Important Matters agreed on, for the Subject Matter of the Conference, which being over, Mr. Speaker and the House Returned to their own Chamber.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.



Veneris Die 7. Januarij, A. D. 1725.

**V**Oted, That it is the Earnest Desire of this House that His Honour would please to Adjourn or Prorogue this Great and General Court for some short space of time, that so Every Member may then Meet and Attend his Duty, that Matters of the Greatest Consequence and Importance to the Welfare of this Province, may be put to an Happy Issue, which yet Remain under Consideration and not Determined.

**Ordered**, That in case His Honour the Lieut. Governour should Adjourn or Prorogue the Great and General Court for some short time, That the Clerk of the House be Directed at the Publick Charge, to Express Three Men into the several parts of the Province, Requiring the Strict Attendance of Every Absent Member to his Duty, at the next Meeting of the Court upon the Important Affairs under Consideration. [ 108 ]

A Muster-Roll of the Sloop *Sea-Flower*, *Simon Slocum* Master, a Transport in the Service of the Province.

Read and Committed to the Committee for Muster-Rolls.

A Petition of *Nathaniel Norden* Esq; *Mr. John Oulton*, and Ninety five others, Inhabitants of *Marblehead*, praying, That this Court would please to take some speedy Care for preventing the great Destruction of *Herring*, at *Cape Cod*, by *Saines*, for the Reasons therein mentioned. Read and **Ordered**, That the prayer of the Petition be Granted, and that the Petitioner *Oulton* have leave to bring in a Bill accordingly.

Sent up for Concurrence.

A Petition of *Mr. Jonathan Rayment*, of *Beverly*, shewing, That in the Year 1721. he Prosecuted one *Nicholas Holloway* of *Lyn*, in behalf of Our Sovereign Lord the KING, for Altering and Increasing two *Fifteen Penny Bills* of Credit, of the Province of *New-Hampshire*, to *Fifteen Shilling Bills*, each of the same Province, that the said *Holloway* was Convicted thereof, before His Majesty's Court of Assize and General Goal Delivery, at *Salem*, in *October* 1721. That he was at considerable Expence of Time and Money, in carrying on the said Prosecution, for which he thinks he deserves the Sum of *Eight Pounds*, but has as yet Received nothing, praying, That the said Sum may be allowed him out of the Publick Treasury for the Reasons mentioned in the Petition. Read and **Resolved**, in Answer to this Petition, That the Sum of *Eight Pounds* be allowed and paid out of the Publick Treasury to the Petitioner *Mr. Jonathan Rayment*, in full satisfaction of the Services therein mentioned.

Sent up for Concurrence.

*William Tailer*, *Addington Davenport*, *Thomas Hutchinson* Esqrs; with *Mr. Secretary*, brought down the following Message, viz. In Council, *January* 7th. 1725. A Conference being had Yesterday at the Desire of the Honourable

House of Representatives, between the Board and the House upon the Subject Matter of the joynt Address reported by a Committee of both Houses; and the Board hoping that what was offered on their part at the said Conference was Satisfactory, and may prevail on the House to joyn with the Board in their Amendment, do therefore desire the Honourable House would pass upon the Vote of the Board of Accepting the said Report, with the Amendments as taken into the New Draught. Read. *J. Willard* Secr.

*Elisha Cooke* Esq; brought down the Vote of the House for the Grant of a Tract of Land at *Penny Cooke*, sent up last Night with the following Vote of Council thereon, *viz.* In Council, *January 7th. 1725.* Read and Non-Concur'd and Voted, That *Nathaniel Byfield, John Clark, Samuel Brown* and *Elisha Cooke* Esqrs; with such as shall be appointed by the Honourable House of Representatives, be a Committee to consider what is proper for this Court to do on the Petition of *Benjamin Stevens, &c.* within Referred to. Sent down for Concurrence. Read and Concur'd and Ordered, That *Mr. Lindall, Mr. Wainwright, Mr. Wilder, Mr. Hale* and *Mr. Phillips* be joyned in the Affair.

An Accompt of the Commissioners of the County of *Bristol*, for letting out the *l. 100,000* Loan, for the Year *1724.* Read and Committed to the Committee for that Service Appointed.

A Message from His Honour the Lieut. Governour by Mr. Secretary, to inquire Whether the House have Ordered their Absent Members to Attend their Duty in case of a short Adjournment. Mr. Speaker informed him the House had taken care about it.

A Message from His Honour the Lieut. Governour by Mr. Secretary, *viz.* Mr. Speaker, His Honour the Lieut. Governour has Commanded me to acquaint this Honourable House, That it is His Honours Pleasure that this Great and General Court or Assembly should be Adjourned to *Friday* next, the Fourteenth Day of this Instant *January*, at Ten of the Clock beforenoon: And then Mr. Secretary declared, That the said Great and General Court or Assembly was Adjourned to *Friday* the Fourteenth Day of this Instant *January*, at Ten of the Clock before Noon accordingly.

# VOTES

## Of the House of Representatives.

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*Veneris Die 14. Januarij, A. D. 1725.*

**M**R. *John Snow* Representative of the Town of *Truro*, made his Appearance in the House, and informed, That the Reason of his not Attending his Duty hitherto in the present Session was thro' Indisposition of Body, and Moved, That the House would reconsider their Vote of the 31st of *December* past, for laying a Fine of *l. 7 10 s.* on him for 30 Days Absence from his Duty, & the House taking his Excuse into Consideration, the Question was put, *Whether they would Reconsider their Vote aforesaid?* Resolved in the Affirmative.

Then the Question was put upon a Motion made and seconded by many Members, *Whether any Fine shall be laid on Mr. John Snow, for his Absence from his Duty in the present Session.* It pass'd in the Negative.

### *Post Meridiem.*

The Explanatory *CHARTER*, and the Report of the Lords of the Council, with His Majesty's Approbation thereof. Read, and the House Entred into the Consideration of the same and a long Debate was had thereon.

Then the House Adjourn'd till to Morrow Morning Ten a-Clock.

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*Sabbati Die 15. Januarij, A. D. 1725.*

**M**R. *Lewis* from the Committee for Muster-Rolls Reported, On the Muster-Roll of the Sloop *Sea-Flower*, *Simon Slocum* Master, as Entred the 7th. Which was Accepted and Resolved, That the Sum of *One Hundred and Sixty Pounds* and *three pence*, be allowed and paid out of the Publick Treasury to the said *Simon Slocum*, to be by him paid to whom the same is Respectively due, in full discharge of the Wages and Sloop hire thereof. Sent up for Concurrence.

A Petition of *Jacob Holmes*, of *Worcester*, praying, That he may be reimbursed the Sum of *40 s.* out of the Publick Treasury for so much he paid to one *Benjamin Townsend*, who went Express in the Service of the Province in 1724. from *Worcester* to *Westfield*, by order of His Honour the Lieut. Governour. Read and Resolved, That the Sum of *Forty shillings* be allowed and paid out of the Publick Treasury to the Petitioner *Jacob Holmes*, in full discharge thereof. Sent up for Concurrence.

The House Entred into the further Consideration of His Majesty's Royal Explanatory CHARTER, and after some debate being had thereon, The House *Resolved*, That the Question should be put to each Member present, who should declare his Acceptance or Non-Acceptance thereof, by his saying *Yea* or *Nay*, and Mr. Speaker did accordingly put the Question to each Member present, who severally declared for themselves as appears by the List hereafter following, *Viz.* [ 110 ]

## Yeas.

Maj. *Thomas Tilestone*  
 Mr. *Joshua Fisher*  
 Mr. *Robert Blake*  
*John Chandler* Esq;  
*Timothy Lindall* Esq;  
 Capt. *Daniel Epes*  
*John Wainwright* Esq;  
 Capt. *Henry Rolfe*  
 Capt. *Jeremiah Stevens*  
 Mr. *John Howlet*  
 Mr. *Samuel Stevens*  
 Mr. *Jonathan Rayment*  
*Jonathan Remington* Esq;  
*Henry Phillips* Esq;  
 Mr. *Joseph Lemmon*  
*Jonas Bond* Esq;  
 Capt. *William Willson*  
 Mr. *Caleb Rice*  
 Capt. *John Shipley*  
 Mr. *Thomas Bancroft*  
 Capt. *Joseph Estabrooke*  
 Mr. *Josiah Jones*  
*Eleazer Tyng* Esq;  
 Capt. *Isaac Powers*  
 Mr. *William Pynchon*  
*John Stoddard* Esq;  
 Mr. *Westwood Cooke*  
*Henry Dwight* Esq;  
*John Ashley* Esq;  
 Capt. *Thomas Wells*  
 Capt. *Benjamin Warren*  
 Mr. *John Kent*  
 Mr. *Samuel Sprague*  
 Mr. *Thomas Turner*

## Nays.

Mr. *Isaiah Tay*  
*William Clark* Esq;  
 Mr. *Ezekiel Lewis*  
 Mr. *Thomas Cushing*  
 Mr. *John Wadsworth*  
*John Quincy* Esq;  
 Mr. *John Torrey*  
 Capt. *Thomas Loring*  
 Mr. *John Brown*  
 Mr. *Edward White*  
 Mr. *John Sanders*  
 Mr. *John Hobson*  
 Mr. *Benjamin Barker*  
 Mr. *Joseph Hale*  
 Mr. *Samuel Tenney*  
 Capt. *William Rogers*  
 Mr. *Joseph Davis*  
 Mr. *Richard Ward*  
 Mr. *John Rice*  
 Capt. *Samuel Bullard*  
 Mr. *Joseph Wilder*  
 Capt. *Edward Goddard*  
 Mr. *John Blanchard*  
 Mr. *Daniel Pierce*  
 Mr. *Jonathan Sargent*  
 Mr. *Samuel Chamberlain*  
 Mr. *Thomas Bryant*  
 Mr. *Nathaniel Southworth*  
 Mr. *Isaac Cushman*  
 Mr. *Elisha Bisbey*  
 Mr. *Edward Shove*  
 Mr. *William Stone.*



Yeas.

*Ezra Bourn* Esq;  
 Mr. *John Snow*  
*Nathaniel Paine* Esq;  
*Seth Williams* Esq;  
 Mr. *Ephraim Pierce*  
 Mr. *Joseph Peck*  
*Thomas Church* Esq;  
 Capt. *John Foster*  
*Thomas Terrey* Esq;  
 Capt. *Nicholas Shapleigh*  
 Mr. *Dependence Littlefield*  
 Capt. *James Grant*  
 Major *Samuel Moody*  
 The Honourable  
*William Dudley* Esq; Speaker.

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*Resolved*, That the Sum of *Fifteen Pounds* be Allowed and Paid out of the Publick Treasury to *John Wainwright* Esq; Clerk of the House, to be by him repaid to the Expresses that went to Summon the Absent Members of the Court to Attend their Duty.

Sent up for Concurrence.

*Resolved*, That the Sum of *Twenty Shillings* be Allowed and Paid out of the Publick Treasury to Mr. *John Blanchard*, in full for his Time and Expençe in Summoning some of the Absent Members to their Duty. Sent up for Concurrence. [ 111 ]

A Petition of *Michael Gilson* of *Dunstable*, shewing, That he was late a Soldier in the Service Nine Weeks and Four Days, *Anno* 1724. under the Command of Lieut. *Jabez Fairbanks*, but thro' Mistake was left out of said *Fairbanks's* Muster-Roll, as appears by a Certificate from the said *Fairbanks*, Exhibited with the Petition; so that he has as yet received nothing for his Wages and Subsistence while in the Service, as aforesaid; praying Allowance for the same. Read, and *Resolved*, That the Sum of *Seven Pounds* be Allowed and Paid out of the Publick Treasury to *Eleazer Tyng* Esq; to be by him paid to the Petitioner *Michael Gilson*, in full for his Wages and Subsistence, as within mentioned.

Sent up for Concurrence.

### Post Meridiem.

*Whereas* His Honour the Lieut. Governour hath laid before this Court in their present Session for their Acceptance, an Explanatory CHARTER, received from his Grace the Duke of New-Castle, with a Copy of His Majesty's Order in Council concerning the same, wherein His Majesty hath been pleased to confirm the

*CHARTER* *Granted by their late Majesty's King William and Queen Mary, in which former CHARTER there being no Express mention made relating to the Choice of a Speaker, and the Houses Power of Adjourning, as to both which Points in the said Explanatory CHARTER His Majesty hath been pleased to give particular Direction.* We His Majesty's Loyal and Dutiful Subjects being very desirous to Signalize Our Duty and Obedience, which we at all times Owe to His Most Excellent Majesty, have and do hereby Accept of the said Explanatory *CHARTER*, and shall Act in Conformity thereto for the future, not doubting but that thereby we shall recommend His Majesty's Loyal & Faithful Subjects the Inhabitants of this Province to His further most Gracious Favour & Protection.

Sent up for Concurrence.

A Muster Roll of a Company of Soldiers in His Majesty's Service under the Command of Capt. *Joseph Kellogg* of *Suffield*, from *November 17th* last to the 5th of this Instant *January*, Vouched before *Jonathan Wells* Esq; and Examined by Mr. Treasurer. Read, and *Resolved*, That the Sum of *Three Hundred Seventy five Pounds Five Shillings and Seven Pence*, be allowed and paid out of the Publick Treasury to Capt. *Thomas Wells*, to be by him paid to the Persons born on the said Roll, and those that Subsisted them, in full discharge of the Wages and Subsistence thereof.

Sent up for Concurrence.

*Edmund Quincy* and *Paul Dudley* Esqrs; brought down an humble Address of the President and Fellows of *Harvard College* in *Cambridge*, setting forth a Return of their Sincere and Hearty Thanks to this Court for their Gift of *One Thousand Pounds*, for building a Presidents House, Out-Houses, &c. As also for the Ordering of *Four Hundred Pounds* for the Presidents Sallary, for this present Year. Dated *Cambridge, Jan. 12th. 1725* 6. Signed *Benjamin Wadsworth* President, in the Name and at the desire of the Corporation. Pass'd in Council, viz. In Council, *January 14th. 1725*. Read and sent down. Read.

*Ordered*, That a Message be sent up to the Honourable Board to desire they would Please to Adjourn to Monday next at Ten of the Clock before Noon, which is the Intent of the House. Sent up by Col. *Stoddard*; who returned, he delivered the Message.

Then the House Adjourn'd till Monday next Ten a-Clock before-noon. [ 112 ]

Lunæ Die 17. Januarij, A. D. 1725.

**R**esolved, That the Sum of *Forty Shillings* be Allowed and Paid out of the Publick Treasury to Capt. *Henry Rolfe*, and Capt. *Benjamin Warren*, in full for their Time and Service in going Express Eastward and Westward, to

Summon in the Absent Members of the Court to their Duty. Sent up for concurrence.

A Memorial of Capt. *Joseph White* of *Marshfield*, and Lieut. *Nathaniel Southworth* of *Middleborough*, shewing, That they went out in the Service of this Province with a Company of Forty One Men, in the Year 1722. and received their Orders from Capt. *Thomas Westbrooke*, and joyned Col *Shadrach Walton*, by the Desire of the Governour and Council, in prosecuting the *Indians* to the Eastward, for the space of One Month; that the Memorialists nor any of the said Soldiers have not as yet received any thing for their said Service; praying the Consideration of the Court for such Allowance for their said Service, as to their Wisdom and Justice shall seem meet.

Read and referred to the next *May* Session for further Consideration, when Col. *Westbrooke's* next Muster-Roll will be presented for Allowance.

A Memorial of *Mahumin Hinsdale*, praying, That the Sum of *Three Pounds Eight Shillings* may be Allowed him out of the Publick Treasury, for a Gun he lost in the Service of the Province, in 1724. when he also lost his Servant, being slain by the *Indian* Enemy. Read, and referred to the next *May* Session for further Consideration.

*Resolved*, That the Sum of *Eight Hundred Pounds* be Allowed and Paid out of the Publick Treasury to *Jeremiah Dummer* Esq; Agent for this Province at the Court of *Great Britain*, for his past Services, and further to Enable him to Negotiate the Business of the Province. Sent up for Concurrence.

### Post Meridiem.

*Resolved*, That the Sum of *Twenty Shillings* be allowed and paid out of the Publick Treasury to Mr. *Samuel Grainger*, for Writing in the Service of the House.

Sent up for Concurrence.

*Thomas Fitch* Esq; brought down the Report of the Committee of both Houses appointed the 7th Currant, to consider what is proper for this Court to do on the Petition of *Benjamin Stevens* and others, which is as follows, *Viz.*

THE Committee appointed to Consider of what is proper for this Court to do on the Petition of *Benjamin Stevens*, and others, are humbly of Opinion, That it will be for the Interest and Advantage of this Province that Part of the Lands Petitioned for by the said *Benjamin Stevens* and Company, be assigned and set a part for a Township; provided the some be done in a good regular and defensible Manner, to contain Seven Miles Square, and begin where *Contoocock* River Falls into *Merrimack* River, and thence to Extend upon a Course East Seventeen degrees North Three Miles, and upon a Course West Seventeen degrees South Four Miles, to be the Northerly Bounds of the said Township, and

from the Extreame Parts of that Line to be set off Southerly at Right Angles, until Seven Miles shall be Accomplished from the said North Bounds; And that the Petitioners may be Encouraged and fully impowred to prosecute their intended Settlements: *Ordered*, That the Honourable *William Tailer* Esq; *Elisha Cooke* Esq; *Spencer Phipps* Esq; *William Dudley* Esq; *John Wainwright* Esq; Capt. *John Shipley*, Mr. *John Sanders*, *Eleazer Tyng* Esq; and Mr. *Joseph Wilder*, any Five of whom to be a *Quorum*, be a Committee to take special Care that the following Rules and Conditions be punctually Observed and kept, by all such as shall be admitted to bring forward the proposed Settlements; Namely, That the aforesaid Tract of Land be Alotted out and divided into One Hundred and Three equal Parts and Shares, as to quantity and quality, and that One Hundred Persons or Families, such only as in the Judgment [ 113 ] of the Committee shall be well able to pursue and bring to pass their several Settlements on the said Lands, within the space of Three Years at farthest, from the first Day of *June* next, that each and every intended Setler to whom a Lott with the Rights and Privileges thereto belonging shall be Assigned, shall pay into the Hands of the Committee for the use of the Province at the time of drawing his Lott, the Sum of *Five Pounds*, and to be obliged to Build a good Dwelling House, fit comfortably to Receive and Entertain a Family, who shall Inhabit the same, and also break up and sufficiently Fence in Six Acres of Land for their Home Lott, within the Term aforesaid, and that the first Fifty Settlements shall be begun and perfected upon the Eastern side of the said River *Merrimack*, and the several Houses shall be Erected on their Home Lotts, not above Twenty Rods the one from the other, where the Land will possibly admit thereof, in the most Regular and Defensible manner, the Committee in their best Prudence can Project and Order; the Houses and Home Lotts on each side of the River to be alike Subjected to the above mentioned Conditions: That a Convenient House for the Publick Worship of GOD, be compleatly Finished within the Term aforesaid, for the Accommodation of all such as shall Inhabit the aforesaid Tract of Land, upon such part thereof as shall be agreed upon by the aforesaid Committee, for the Ease of the Community; and that there shall be Reserved, Alotted and laid out for the first Minister that shall be lawfully Settled among them, One full Right Share and Proportion of and in the aforesaid Tract of Land, with all Rights and Privileges thereto belonging, his Home Lot to be laid out next Adjoyning to the Land whereon the Meeting House shall stand, One other full Right, Share and Proportion of and in the aforesaid Tract of Land, to be Appropriated for the Use of the School for ever; and One other Ministerial Lot of equal Value with the Rest, the Home Lot Appertaining thereto, affixed near to the Meeting-House. And for the better Enabling the intended Settlers to perfect what they are hereby Enjoyned and Impowring them to Remove all such Lets and Impediments, as they may meet with in their Progress and lawful



Undertakings, That when and so soon as there shall be One Hundred Persons, accepted and allowed by the Committee to go on and improve those Lands, for the Ends and Uses above Specified, upon Application made to the aforesaid Committee, it shall and may be lawful for them to Notifie the Undertakers to Meet at some convenient Time and Place, they being seasonably Notified of such Meeting; who when assembled, shall make such Necessary Rules and Orders, as to them shall be thought most conducible for the carrying forward and Effecting the aforesaid Settlements.

*Provided*, That Three Fourth Parts of the Persons present at such Meeting are Consenting to what Rules or Orders shall be then proposed and agreed upon, two or more of the Committee to be present at such Meeting who shall enter into a fair Book to be kept for that purpose, all such Rules, Orders and Directions agreed on as aforesaid, and give out Copys thereof when Required.

The whole Charge of the Committee to be paid by the Setlers, and that when they shall have performed the Conditions above expressed, *Provided* it be within the space of Three Years as before limited, that than the said Committee for and in behalf of this Court Execute good and sufficient Deeds and Conveyances in the Law, to all such Settlers for the aforesaid Tract of Land, with all the Rights, Members, Profits, Priviledges and Immunities thereon, standing, growing or being for the Sole use of them and their Heirs and Assigns for ever, with a saving of all or any former Grant or Grants.

Signed, in the Name of the Committee, *N. Byfield*.

Pass'd in Council, *viz.* In Council, *January 17th. 1725.* Read and Ordered, That this Report be Accepted.

Sent down for Concurrence. Read and Concur'd.

An Humble Address of both Houses to be sent to the Kings most Excellent Majesty agreed on by the House, and *Voted*, That the same be sent up for Concurrence.

*Elisha Cooke* and *Jonathan Dowse* Esqrs; brought down the Petition of *Saccaristis*, the *Indian* Hostage, praying, as Entred the 4<sup>th</sup>. Currant. Pass'd in Council, *viz.* In Council, *January 15 1725.* Read. The 17<sup>th</sup>. Mr. *John Checkley* (who delivered this Petition to the Clerk of the House of Representatives) being sent for on Saturday last, [ 114 ] and Examined, Who wrote the same? Acknowledged that he wrote it: And being several times asked; Whether he put or wrote the Name *Saccaristis* to the said Petition, or Whether *Saccaristis* did it himself? To which the said *Checkley* declined giving any direct Answer, Upon which he was ordered to withdraw, and in a short time a Messenger was sent to call him in but could not find him, and then a Notification was left at his Dwelling House to Order his Attendance this Day at Four a Clock Afternoon, which yet he neglects and refuses to do: And it appearing by a Certificate of Capt. *John Larrabee*, the Commanding Officer at Castle *William*, (where the

said *Saccaristis* is an Hostage) that in the presence of the Chaplain, and an Officer of the said Garrison, he Examined the said *Saccaristis* touching the said Petition, who affirmed that he knew nothing of the said Petition, and particularly that the said *Checkley* never said one Word to him the said *Saccaristis* about Religion: so that the whole appears to be a Contrivance of the said *Checkley*, and a designed Imposition upon this Court, therefore Ordered, That this Petition be Dismiss'd.

Sent down for Concurrence.

Read and Concur'd.

A Petition of Dr. *Joseph Pierce*, amounting to *l. 23 10 s.* for the Cure of *Ebenezer Davis*, a Souldier wounded in the late Battle of *Pigwackett*. Read and Referred to the next *May* Session, for further Consideration.

A Certificate from Col. *Samuel Partrigg*, setting forth, That *Jonathan Ball*, junr. on the 29<sup>th</sup>. of *August* 1722. Voluntarily Enlisted himself into His Majesty's Service. Read and the Question was put, *Whether Forty shillings shall be allowed the said Jonathan Ball junr. out of the Publick Treasury?*

It pass'd in the Negative.

*Ordered*, That a Message be sent up to His Honour the Lieut. Governour, and the Honourable Board, to acquaint them that the House have no Business now lying before them, and therefore desire the Court may Rise (if His Honour pleases) this Afternoon.

A Message from His Honour the Lieut. Governour by Mr. Secretary, *viz.* Mr. Speaker, His Honour the Lieut. Governour directs this Honourable House forthwith to attend him in the Council Chamber. Mr. Speaker and the House went up accordingly, and Mr. Secretary said, That it was the Pleasure of His Honour the Lieut. Governour, That this Great and General Court or Assembly should be Prorogued to Wednesday the Ninth Day of *March* next, at Ten of the Clock before Noon; And then Mr. Secretary declared, That the said Great and General Court or Assembly was Prorogued to Wednesday the Ninth Day of *March* next, at Ten of the Clock before Noon accordingly.

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